

Planning Committee: 16 July 2019

Item Number: 9

Application No: [W 19 / 0497](#)

Town/Parish Council: Warwick
Case Officer: Dan Charles

Registration Date: 25/03/19
Expiry Date: 24/06/19

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Former Warwick Printing Co Ltd, land adj to Theatre Street and Bowling Green Street, Warwick, CV34 4DR

Application for removal of Condition 13 (provision of off-street parking) of planning permission ref: W/16/0496 (Demolition of the Warwick Printing Co. building and single storey building to Bowling Green Street and Market Street; Erection of 39 apartments with associated parking and open space (revised application of W/14/0746, 2 no additional apartments) FOR Waterloo Housing Group

This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

It is recommended to Planning Committee that the removal of Condition 13 is granted, subject to the remainder of the conditions which formed part of the previous permission and the signing of a Unilateral Undertaking.

DETAILS OF THE DEVELOPMENT

This application is made under section 73 of the Town and Country Planning Act 1990 which relates to the determination of applications to develop land without compliance with conditions subject to which a previous planning permission was granted, subject to the revised/ new conditions meeting the requirements of 'Use of Planning Conditions' (ID: 21a Updated 06.03.2014) of the PPG.

In deciding an application under Section 73, the Local Planning Authority must only consider the disputed condition that is the subject of the application – it is not a complete re-consideration of the application (PPG Paragraph 031 Reference ID: 21a-031-20140306). In this case the applicant is seeking the removal of a condition through the use of a Section 73 application (PPG Paragraph 13 Reference ID: 17a-013-20140306).

On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

This application seeks the removal of condition 13 which states;

*"The development hereby permitted shall not be occupied unless appropriate off street car parking facilities have been provided. These parking facilities shall be kept free for the parking of vehicles for the duration of the occupation of the development hereby permitted. **REASON:** To ensure that there is adequate parking is available, in accordance with Policy DP8 in the Warwick District Local Plan 1996-2011"*

The approved scheme to satisfy the requirements of the above condition was to provide residents of the development with parking permits for the Linen Street Car Park.

In seeking to remove this condition, it is acknowledged that this would result in additional pressure for on-street parking within the local area. In light of this, the application has been accompanied with a Unilateral Undertaking to remove the eligibility of occupants of the development to apply for on-street parking permits within the Residents' Parking Zone.

In providing a legal agreement to prevent entitlement to on-street parking permits, existing oversubscribed residential permit areas would not be adversely impacted upon.

THE SITE AND ITS LOCATION

The application site is situated within the Warwick town centre. The development is substantially complete as a development of 39no. apartments arranged within a four/ five storey building.

PLANNING HISTORY

W/16/0496 - Demolition of the Warwick Printing Co. building and single storey building to Bowling Green Street and Market Street. Erection of 39 apartments with associated parking and open space (revised application of W/14/0746, 2 no additional apartments) – Granted 25.05.2016.

W/14/0746 - Demolition of the Warwick Printing Co. building and single storey building to Bowling Green Street and Market Street. Erection of 37 apartments with associated parking – Granted 19.09.2014.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- Guidance Documents

- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Support the application on the basis that the unilateral undertaking retains the removal of W2 parking permits.

Councillor Dave Skinner: Warwick Town Centre has an extreme problem with parking as it is. To remove what was already a small allocation of off-road parking spaces is madness and will not stand the test of time to ensure W2 spaces are not taken up sometime in the future. Other areas are being used already for parking, not just the W2 'legal' spaces, and this application, should it go through, will just heighten the problem. This is another change too far for a development that should have been helping relieve the housing issue in Warwick by providing much needed social housing for local people.

WCC Highways: No objection as the applicants have provided a Unilateral Undertaking to exclude the development from the Residents' Parking Zone.

Public Response:

44 objections have been received on the following grounds:

- Insufficient car parking provision for new residents
- Impact on permitted car parking in the area
- Contrary to previous planning condition
- New residents should not be able to obtain W2 parking permits
- Parking provision should be provided elsewhere

3 representations of support and 1 general comment have been received on the following grounds:

- Supports the residents of the Print Works, should not be able to apply for W2 parking permits
- Supports allocated parking spaces at Linen Street
- Support if it cuts off second permit rights for adjacent streets

ASSESSMENT

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF operates under a presumption in favour of sustainable development. It states that development proposals, which accord with the Development Plan, should be approved without delay. The adopted Development Plan where the site is located comprises of the Warwick District Local Plan (WDLP).

The principle of development has been established through the grant of planning permission ref: W/14/0746 together with the revised scheme as set out under planning permission ref: W/16/0496. There is no change to the built form and

no intensification of the use of the building. The proposal relates solely to the provision of parking for the units.

The main considerations in the assessment of this application are;

- Parking, highway safety and residential amenity
- Conditions

Parking, Highway Safety and Residential Amenity

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 Council has an adopted Parking Standards Supplementary Planning Document.

This proposal seeks to remove the condition regarding the provision of an off-street parking strategy. It was originally proposed that the condition would be satisfied in this case by the acquisition of season tickets for Linen Street by the Housing Association, Waterloo that operates the site.

The rationale behind the change is that the cost of the season tickets would have to be added directly onto the rents charged to all of the properties. In Waterloo's experience as a social landlord, not all occupiers of the units would have access to a car and so would be being charged for something that they do not need.

Any resident who does have access to a car would still be able to obtain a Linen Street Season Ticket themselves which would be directly at their own expense. In such cases, this would be cost neutral as they would previously have paid an inflated rent to cover the cost of the season ticket.

To counteract the loss of off-street provision as a result of the removal of the off-street parking strategy, a Unilateral Undertaking has been submitted which serves to remove the development from the Residents' Parking Zone and therefore the ability for it's residents to apply for on-street permits. This would prevent future occupiers from applying for on-street permits within the W2 Residents' Parking Zone which is already over-subscribed and would not have the capacity to cater for additional parking needs.

Occupants will still be able to apply for a season ticket for Linen Street should they require it for the parking of vehicles. In this respect, the demand for parking within the Linen Street car park would be limited to the properties that require a permit in lieu of appropriate spaces being provided to every property which would have the knock on effect of reducing the level of public parking available within the car park.

Any future occupier of the development would be clearly advised of the limited parking facilities and the options available.

The provided on-site car parking is to be retained as originally approved.

The proposal has been assessed by the County Highways Officer who has raised no objection subject to the completion of the Unilateral Undertaking.

It is considered that the proposal will not result in harm to highway safety or to residential amenity by virtue of parking stress.

Subject to the completion of the Unilateral Undertaking to the satisfaction of the Council Solicitor, Officers are satisfied that the proposal is acceptable having regard to Policies TR1 and TR3.

Conditions

The granting of a Section 73 application grants a new planning permission for the development. Therefore, an assessment of previously imposed conditions is required to determine if still relevant to the application. Conditions considered still to be relevant have been carried forward and amended where necessary to reflect the updated planning permission.

SUMMARY/CONCLUSION

The main planning considerations in determining this application have been set out and considered above stating accordance with relevant Local Plan Policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

The application has sufficiently addressed how future occupants of the Print Works development would access car parking provision with the unilateral undertaking, providing measures to prevent adverse parking impacts in neighbouring areas. Therefore there is not considered to be any material harm arising through the proposed variation in terms of highway safety or residential amenity.

The application has addressed the main considerations and would accord with relevant policy. The proposal is therefore supported subject to the execution of the provisions contained within the unilateral undertaking.

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 numbers 050; 051; 052, 053 Rev B, 054 Rev A and 100 and specification contained therein, submitted on 17 March 2016 and 19 May 2016. **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 approved external facing materials of W/17/0288;

Facing Brick: Old Malvern Weathered
Construction Brick: Staffordshire Smooth Blue plinth brick
Detailing Brick: Bath Drycast D44E
Render: Ivory
Cladding: Sika-Trocal® SGK 1.2 mm Single Ply Membrane Colour: RAL 7015 Slate Grey with Sika Decor Profile SE PVC.

Shall be used for the construction of the development hereby permitted and retained as such thereafter.

REASON : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

- 3 The development shall be carried out in accordance within the large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods are contained within approved documents of W/17/0288;

16032/40 submitted 08/09/2017
16032/41-A submitted 12/07/2018

REASON : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

- 4 The details of contaminated land validation is contained within approved document;

Underground Storage Tank Removal and Validation Letter Report' (Ref: AT/B14068) dated 31 October 2017 of W/17/0288

If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall not be occupied until remediation measures have been carried out in full accordance with such approved details and a soil validation report has been submitted to and approved in writing by the local planning authority.

REASON: To safeguard health, safety and the environment in accordance with Policies NE4 & NE5 of the Warwick District Local Plan 2011-2029.

- 5 The affordable housing scheme shall be in accordance with approved document;

Statement from Waterloo Association received January 17th 2016 of W/16/0496

The affordable housing shall be provided in accordance with the approved scheme and shall be retained as such at all times thereafter and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

REASON: Since planning permission has only been granted for residential development on this employment site on the grounds that the development is for 100% affordable housing, in accordance with Policies H2, H4 and EC3 of the Warwick District Local Plan 2011-2029.

- 6 The development shall be carried out in accordance with the approved drainage details contained within the following documents and retained as such thereafter

'Letter from Daniel Connors to Mr Parsons dated 29 Sep subject New Connection to the public sewer: BOWLING GREEN ST, WARWICK, CV34 4DD', 'Bowling Green Street Warwickshire 14068 Sheet 200' and 'Flood Routing Plan for Local Authority B14068-D098 Rev P0 dated 31/10/2017'

REASON: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 7 The scheme of hard and soft landscaping shall be carried out in accordance with approved document; Dwg no. ADL 202A received 11/09/2018 of W/17/0288. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 8 None of the apartments hereby permitted shall be occupied unless and until the approved car parking provision has been constructed and laid out, and made available for use by the occupants and thereafter those spaces shall be retained for parking purposes. **REASON:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site

in accordance with Policies BE1 and TR4 of the Warwick District Local Plan 2011-2029.

- 9 The development shall not be occupied until all parts of the existing accesses within the public highway not included in the permitted means of access have been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 10 The gradient of the access for vehicles to the site shall not be steeper than 1 in 15 at any point as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 11 The access to the site for vehicles shall not be used in connection with the development until they have been surfaced with a suitable bound material for a distance of at least 15 metres as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 12 The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 13 No gates/barriers/doors shall be erected at the entrance to the site for vehicles/ heavy goods vehicles. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 14 The Applicant/ Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site.
REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 15 The development hereby permitted shall not be first occupied unless and until the renewable energy/fabric first scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy CC2 in the Warwick District Local Plan 2011-2029.

- 16 The development hereby permitted shall include the provision of additional pedestrian footways to be located within the area hatched black within the site as identified on the plan number 050 attached to this decision in accordance with a scheme which has been submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby permitted. **REASON:** In the interests of pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
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