

Planning Committee: 09 October 2019

Item Number: 7

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

Town/Parish Council: Leamington Spa
Case Officer: Rebecca Compton
01926 456544 rebecca.compton@warwickdc.gov.uk

Registration Date: 01/08/19
Expiry Date: 26/09/19

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.
