Planning Committee: 20th July 2021
Observations received following the publication of the agenda

Item 5: W/20/1887 – 3 Wise Terrace, Leamington Spa

Update to Key Issues

For the avoidance of doubt, Officers confirm that the site is located within the Canal Conservation Area and has been assessed as such.

Public Response

An additional 7 letters of objection received making the following comments;

- Already too many HMO's in the area.
- Parking is already terrible.
- Noise levels on the street and in houses is getting ridiculous.
- Creates problems with rubbish and anti-social behaviour.
- Negative impact on the housing market.
- Impact on social cohesiveness.
- High quality, sustainable housing, that does not lead to the loss of residential gardens is a priority and I am concerned that student accommodation blocks provide high density housing at the expense of the wider community.
- New student accommodation should be built on the Campus.
- Leamington Spa has reached saturation point.
- Student accommodation should not be at the expense of the local community.

An additional 1 letter of support received making the following comments;

- I work and live in this area and fully support this application.

In addition to the above, a letter was circulated to all committee members on 15 July. The following points were raised;

- Concentration far above policy limits approved in the Local Plan.
- Appeal against W/17/1614 relied on a 'slice and dice' approach and extended the mixed use beyond main thoroughfares, an approach rejected by Councillors.
- Appeal against W/17/1218 had a similar 'slice and dice' approach to H6 and this Inspector based his decision to overturn the refusal on the assertion that HMOs/PBSAs are in some sense non-residential and proceeded to redefine this area already dominate by HMO/PBSAs as 'mixed use'.
- A Climate Change Emergency has been declared. One strand of the response is to discourage unnecessary commuting, including by students, and to co-locate people more closely to their places of work or study.
- Policy RLS 13 - Air Quality in the RLSNDP refers to tackling severe air pollution in the streets to the north of Wise Terrace is identified as a key

planning priority. 39 extra student commuters (mostly by bus or car) can only worsen the problem.

- Policy RLS 5 – Royal Leamington Spa Housing Mix and Tenure in the RLSNDP states that Leamington Spa, North and South town, has a total of 56.9% privately rented properties. Of this total, 36.2% are tenants (2011 Census data) living in shared houses, flats etc. The national average is 22.1%. RLS needs to address this and bring balance back to the communities. This application increases the average significantly.
- Unilateral Undertaking to control car parking is very difficult to enforce as demonstrated with Union House.
- The breach of on-site parking standards - Local Plan policies TR1 & TR3 - in this application, right in the heart of a high-stress parking area for residents, must therefore be regarded as a material consideration, with little or no weight given to any unilateral undertaking offer of mitigation.
- Plan Policy PC0 states the Council will promote sustainable economic development to support a vibrant and thriving economy, to enable major sites in the District that play a key role in the economy. Another purpose-built student block contradicts this principle, housing a transient population and remaining empty for a third of each year. It will add limited local business or community value and further 'hollow out' community and business activity in the Old Town area.
- The Concentration Calculation figures tabled omit the two new PBSAs being completed alongside this site. If their additional 227 bedspaces were added, the current concentration is nearer 60% than the 37% used by officers.
- Increased PBSA's do not reduce HMOs. The idea that a new PBSA will drain students from problematic HMOs and return them to family use has been completely discredited here and in other University towns and cities. Further concentration typically leads to even more concentration if allowed.

Additional Condition

Sustainability Statement

Prior to commencement of development, a Sustainability Statement including a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;

a) How the development will reduce carbon emissions and utilise renewable energy;
b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
c) How proposals will de-carbonise major development;
d) Details of the building envelope (including U/R values and air tightness);
e) How the proposed materials respond in terms of embodied carbon;
f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

The development shall not be occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

REASON: To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

Additional Section 106 Contribution

Public Open Space Contribution: An offsite contribution of approximately £117,288 towards the maintenance and improvement of Pump Room Gardens and Jephson Gardens. Final figure to be confirmed and agreed with the Chair of Planning Committee.

Item 7: W/20/1847 -Rosedale, Main Street, Eathorpe

Consultation response

WCC Landscape object to the development due to loss of garden area and vegetation with a larger footprint of building and larger area of parking to the front.

Conditions

Condition 2 (approved plans) has been updated to reflect the current drawing numbers.

A condition has been added to ensure that the landscaping scheme to deliver biodiversity enhancements is implemented in full.

A condition has been added to ensure the mitigation measures for protected species during construction are implemented in full.

Item 8: W/20/212 – 47 Kingsway, Leamington Spa

Councillor Chilvers objection

Bus stop within 190m unsuitable for students is only served by one bus a day.

Clarification of HMO calculation

One of the 5 HMO's initially identified within 100m of the application dwelling has been removed by Private Sector Housing in the intervening period between validation and Committee. The total number is now 4. The number of properties within 100m has also been queried. A count of 71 properties means that the HMO concentration is currently 5.6%, rising to 7% should permission be granted, remaining under the 10% threshold.

Item 9 : W/20/2144 – 24 Kenilworth Road, Leamington Spa, CV32 6JB

Additional information received from applicant

- Counsel opinion provided in response to the Officer's report to committee
- Committee Briefing Note circulated to Members of the Planning Committee

Affordable Housing

The counsel opinion submitted by the applicant argues that the development should not be liable for affordable housing because it provides specialist accommodation for students. The applicant has also advised that they would accept a restriction limiting occupation of the development to students.

Independent legal advice has been sought on this matter. Provided occupation is restricted to students, it has been judged that the development would not be liable for affordable housing. Therefore recommended reason for refusal no. 5 has been deleted. If this had been a recommendation for approval, a condition could have been added to restrict occupation to students.

Local Listing

At the time of writing the committee report, the application site had been recommended for addition to the Council's Local List of Heritage Assets. Since the publication of the report, this recommendation has been accepted and No.24 Kenilworth Road was added to the List on 12th July 2021.

Additional reason for refusal (in light of the above)
Policy HE3 of the Warwick District Local Plan 2011-2029 states that development that would lead to the demolition or loss of significance of a locally listed historic asset will be assessed in relation to the scale of harm or loss and the significance of the asset. Change to locally listed historic assets should be carried out using traditional detailing and using traditional materials.

Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

In the opinion of the Local Planning Authority, the proposals would result in the partial demolition and consequently loss of significance of a locally listed historic asset which makes a positive contribution to the character and appearance of the conservation area. The proposals for its redevelopment would neither be carried out using traditional detailing nor would they use traditional materials.

The proposals would thereby be contrary to the aforementioned policies.

Reason for refusal no. 4 – daylight and sunlight

Environmental Health have met with the applicant's consultants and have been provided with a demonstration of how the daylighting calculations have been undertaken. This demonstrates that the recommended guidelines within the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice (2011)' will be met. Environmental Health have therefore removed their objection, subject to conditions requiring a Construction Management Plan and limits on plant noise.

This has addressed the issue covered by the fourth reason for refusal. Therefore this recommended refusal reason has been deleted.

Item 11: W/21/0368 – 21 Vine Lane, Warwick

This item has been withdrawn from the agenda and determined under delegated powers.