

Warwick District Council
Planning Policy
Riverside House, Milverton Hill
Leamington Spa, CV32 5HZ

Date: 11th March 2019
Our Ref: RA1

Dear Sir/Madam,

Representation to Draft Purpose Built Student Accommodation Supplementary Planning Document (SPD)

Introduction

This representation has been prepared on behalf of our clients who own commercial premises and HMO properties situated on High Street, Wise Street and Wise Terrace in Leamington Spa, including: Jas Singh Satsavia (No 8 High Street and No 1 Wise Street), Dr Singh (No 9 Wise Street), Rajinder Cheema (Nos 14 & 16 Wise Street), Salvatore Cancilla (No 3 Wise Terrace), Arther Lucky (No 3a Wise Terrace), John Sullivan (No 4 Wise Terrace), and Herminder Cheema (Nos 5 & 6 Wise Terrace).

Representations

We support the Council's overall strategy to meet Warwick District's student housing needs through the development of purpose-built student accommodation (PBSA). However, we have a number of concerns with the policy approach set out in the draft Supplementary Planning Document (SPD) as detailed below.

Draft SPD - Chapter 1 Introduction

The draft SPD states that the document does not seek to allocate specific sites for the development of PBSA but provides the criteria by which sites will be assessed when planning applications are received for consideration and it is an extension of Policy H6 of the Warwick District Local Plan.

It is considered that the draft SPD should provide further clarity on how planning applications for PBSA will be assessed once the SPD becomes an adopted policy. Given that the SPD will be an extension of Policy H6, it is not clear which policy will take preference in decision-making. The SPD should explain how both the SPD and Local Pan Policy H6 will be applied in the future.

Draft SPD - Chapter 2 Planning Policy

The draft SPD states that Policy H6 'Houses in Multiple Occupation and Student Accommodation' was clearly not meant to apply specifically to PBSA and therefore this document seeks to influence the location and quality of PBSA whilst supporting Local Plan Policy H6 to address issues around existing concentrations of student accommodation in parts of the district.

We agree that Policy H6 does not work for PBSA schemes. Criteria (a) (the 10% rule) is practically unworkable in cases of large PBSA proposals which, by their very nature and scale will always exceed this limit. In order to meet the 10% rule, PBSA would have to be located in a high density residential area; however this would be contrary to the purpose of Policy H6 which seeks to prevent an increase in activity within nearby residential streets.

Draft SPD - Current Situation

With specific reference to our client's land we make the following observations on this section of the SPD. Wise Street and Wise Terrace are located in postcode area CV31 and are within the Brunswick Ward.

Figures 6 and 7 identify the number of student residences by postcode for the academic year 2017/18. Figure 7 states there are 3,925 students living within postcode CV31. It is considered that this should be put into context by comparing the student population against the total population of the postcode area. Having reviewed the Office for National Statistics NOMIS the total population of postcode area CV31 is 31,530 (2011 Census). Overall, the proportion of students within this postcode is therefore only 12.45% of the total population.

Furthermore, Figure 8 sets out the concentrations of students living in the private rental sector. The draft SPD is clear that the number of students in the private rental sector is considerably smaller than other groups and these are not just HMOs but all private rental figures. We note that within Brunswick, Figure 8 shows that less than 10% are students in private rentals and other tenures, with the vast majority of the private rented sector being 'others' which amounts to around 30%.

Draft SPD - Resident's Viewpoint

The draft SPD states that *'there is a correlation between the maps of concentration of the student population and the incidence of waste issues across the centre and south of Leamington Spa, **although this is by no means conclusive evidence that students are to blame. Similarly, complaints about noise and nuisance cannot be entirely laid at the door of the student population.***

We emphasise the Council's acknowledgement that there is no conclusive evidence that students are to blame for issues relating to waste, noise and nuisance.

We note that Figure 11 'Hotspot map of waste issues in Leamington Spa' is not dated. If this does not represent the current situation it is considered that this evidence cannot be relied upon. The NPPF is clear that the preparation of policies should be underpinned by relevant and up-to-date evidence (Paragraph 31). We question the relevance of this and why it is included within the SPD.

Draft Policy PBSA1

Draft Policy PBSA1 outlines the location for PBSA. We object to this policy as it lacks clarity as to how it should be applied. This does not meet the National Planning Policy Framework (NPPF) requirement (Paragraph 16) for policies to be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals

Draft Policy PBSA1 seeks to split town centres into zones. It is considered that the proposed zoning strategy involves a very complicated calculation (see below). In terms of zones 2b and 3, we note that members of the public will not be able to calculate the area of impact themselves.

Zone	Definition	Area of Impact (AOI)	Concentration of PBSA permitted within AOI
1	Town Centre Retail Areas and in Leamington Area of Search for Major Retail (as defined by the local plan policy maps)	None	N/A
2A	Town Centres, excluding areas in residential use and those in Zone 1 (local plan policy TC13)	This will be calculated from the centre of development with the radius extending 1m for each bed space proposed	No PBSA within AOI
2B	Town Centres – area in residential use only (local plan policy TC13)	Same as 2A	No more than 25% of the total number of dwellings
3	Along all thoroughfares that comply with policy H6, para 4.64 outside of a town centre	This will be calculated from the centre of development with the radius extending 2m for each bed space proposed	No more than 10% of the total number of dwellings

Appendix 3 provides a map of Royal Leamington Spa town centre and proposes the following zones:

- **Zone 1:** Town centres, including area of search for major retail in Leamington
No area of impact or concentration constraints
- **Zone 2a:** Non residential area of town centres
AOI: 1bed = 1m. Concentration: No other PBSA in AOI
- **Zone 2b:** Residential areas of town centres.
AOI: 1bed = 1m. Concentration: kitchen/dwelling 25%
- **Zone 3:** Thoroughfares outside of town centre.
AOI: 1bed = 2m. Concentration: kitchen/dwelling 10%

It is considered that the proposed zones and areas of impact are illogical. Our comments on the proposed zones in Royal Leamington Spa are provided below.

Royal Leamington Spa Zone 2a Non-residential areas of town centre

As the draft SPD is an extension of Local Plan Policy H6, it is important to understand the purpose of Policy H6. Explanatory Paragraph 4.65 to Policy H6 states the criteria within the policy is intended to allow HMOs in locations where residential areas would not be affected since one of the main problems with HMOs is anti-social behaviour and noise on routes home from the town centre.

Policy H6 states that exceptions may be made to Policy H6 (a) (10% rule) where an application site is located: *“On a main thoroughfare in a mixed use area where the proposal would not lead to an increase in activity along the nearby residential streets (for example, by way of pedestrian movements between the application site and the town centre or car parking)”*. Paragraph 4.65 of the Local Plan explains that main thoroughfares will normally be defined as A and B roads and mixed use areas defined and those with a predominance of non-residential uses. In applying the exception relating to main thoroughfares and mixed use areas, even where a proposal is on a main thoroughfare account should be taken of the potential for disturbance along nearby residential streets where, for example, significant pedestrian movements may arise between the application site and the town centre.

For instance, planning permission was recently granted for a 200-bed PBSA scheme at Mercia Metals on Wise Street in Leamington Spa. The site was considered to be a suitable location for PBSA because it met the aim of the exception to Policy H6 (a) as there are no settled residents on Wise Street and there is a predominance of non-residential uses within the vicinity of the site.

If any other PBSA scheme was proposed in the Wise Street/Terrace area it would not be permitted under draft Policy PBSA1 as this requires the Area of Impact (1-bed =1 metre) around the permitted 200-bed scheme to be a 200 metre radius where there can be no further PBSA. This does not make sense since it is a non-residential area where there are no residential amenity issues.

It is considered that draft Policy PBSA1 conflicts with Policy H6 of the Local Plan. Zone 2a is defined as a non-residential area of the town centre where no PBSA is permitted, however this is at odds with Policy H6 which permits HMOs and student accommodation in such locations.

It is considered therefore that Zone 2a (non-residential area of town centre) should be treated the same as Zone 1 (town centres, including area of search for major retail) where there is no area of impact or concentration constraints. The draft SPD does not provide any justification for the restriction of PBSA in non-residential areas. National Planning Practice Guidance is clear that planning policies must be justified.

Draft Policy PBSA1 states that support for accommodation to be provided on campus is the preferred location. We note that Warwick University has made it clear that it will always require off-campus student accommodation to meet student housing needs.

Royal Leamington Spa town centre clearly provides the most sustainable location for PBSA as it has the majority of facilities and is also along the main bus route to Warwick University. The town centre location meets one of the main aims of the draft SPD which seeks to *'Provide a high quality and safe environment conducive to student life with easy access by public transport, walking and cycling to places of study and other facilities'*.

Of note, Paragraph 61 of the National Planning Policy Framework requires local authorities to deliver a sufficient supply of homes for all groups of the community, this includes student housing. The National Planning Policy Guidance states that:

*'Local planning authorities should plan for sufficient student accommodation whether it consists of communal halls of residence or self-contained dwellings and whether or not it is on campus. Student housing provided by private landlords is often a lower-cost form of housing. Encouraging more dedicated student accommodation may provide low cost housing that takes pressure off the private rented sector and increases the overall housing stock. **Plan makers are encouraged to consider options which would support both the needs of the student population as well as local residents before imposing caps or restrictions on students living outside the university-provided accommodation.** Plan makers should engage with universities and other higher educational establishments to better understand their student accommodation requirements.'* Paragraph 021 reference ID:2a-021-20160401.

Royal Leamington Spa Zone 2b Residential areas of town centre

We agree that residential areas within the town centre should have a degree of control but there is limited opportunity for PBSA in these areas.

A further issue is that the map showing the proposed zoned areas within Royal Leamington Spa does not correlate with the adopted Local Plan Town Centre Policy Map as it does not identify the housing allocation at Court Street (H16) within Policy DS11 of the Local Plan. Within the draft SPD, this area is incorrectly shown as Zone 2a (non residential area of town centre) and should therefore be amended to Zone 2b (residential area of the town centre).

Conclusions

We trust that the draft SPD will be reviewed to:

- Provide a clear explanation as to how planning applications will be assessed under Local Plan Policy H6 and the proposed SPD. Will Policy H6 still be taken into consideration and which policy will take preference in decision-making?
- In accordance with national policy, the SPD should provide clearly written and unambiguous policies so it is evident how a decision maker should react to development proposals.
- The proposed town centre zones within draft Policy PBSA1 need to be reviewed and justification should be provided for each zone. Zone 2a (non-residential area of town centre) should be treated the same as Zone 1 (town centres, including area of search for major retail) where there is no area of impact or concentration constraints.
- The proposed complicated calculation within Draft Policy PBSA1 needs to be reviewed and simplified to ensure the public can easily apply this to sites and carry out the calculation themselves.

We trust that the above will be taken into account in preparing the final version of the draft SPD.

Yours faithfully

Maria Sheridan MRTPI
Planner

