Planning Committee: 14 September 2021 **Item Number: 7**

Application No: W 21 / 0965

Registration Date: 14/04/21
Town/Parish Council: Leamington Spa **Expiry Date:** 09/06/21
Case Officer: Helena Obremski
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Land East of Turpin Court, Leamington Spa, CV31 3JU
Variation of condition 2 (plan numbers) of permission W/20/0158 (erection of 6 dwellings), to allow for design changes to plots 3, 4, 5 and 6 to provide single terrace of 4 properties; alterations to roofs of properties. FOR Warwick District Council

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This application is being presented to Planning Committee because Warwick District Council is the applicant.

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

This application seeks a variation of condition 2 (plan numbers) of permission W/20/0158 (erection of 6 dwellings). This would allow for changes to the plan numbers for the following design alterations:

- changes to plots 3 - 6 to provide single terrace of 4 properties (rather than semi-detached properties);
- first floor to be extended to plots 3 - 6 inclusive to provide plant storage area;
- pitch roofs to serve plots 3 - 6.

The dwellings would continue to be owned and managed by Warwick District Council as affordable housing.

THE SITE AND ITS LOCATION

The application site relates to an area of land to the rear of properties fronting onto Kennan Avenue and Edinburgh Crescent. The site currently consists of a large area of hardstanding which is accessed from Turpin Court, a small cul-de-sac and was formally used as a parking area and garage court, which have been removed from the site in accordance with a planning permission granted in 2015.

There are trees which are not within the ownership of the applicant nearby to the site boundaries.

PLANNING HISTORY

W/15/0124 - planning permission granted for the demolition of 42 garages.

W/20/0158 - planning permission granted for the erection of 6no. semi-detached dwellings.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- H1 - Directing New Housing
- H2 - Affordable Housing
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- TR1 - Access and Choice
- TR3 - Parking
- FW3 - Water Conservation
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS2 - Housing Design
- RLS4 - Housing Character Outside the Conservation Areas
- RLS5 - Royal Leamington Spa Housing Mix and Tenure

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

Environmental Protection: No objection, subject to conditions.

Tree Officer: No objection to amendments.

WCC Highways: No objection.

Public Responses:

1 Objection:
- loss of privacy, noise, light and disturbance of construction works
- air pollution from construction works
- loss of habitat for trees to grow
- increase in traffic
- detrimental impact on quality of life from construction works

1 Neutral: No objection to new housing, however trees should be retained.

Assessment

As the scheme remains largely the same as extant permission W/20/0158 and only seeks the above amendments, it is only these elements which are considered below. The number of bedrooms and parking provision remains the same as previously approved, along with drainage and ecological considerations, therefore these matters are not considered below.

The main issues relevant to the assessment of this application are as follows:

- Impact on the Character and Appearance of the Area
- Impact on Neighbouring Residential Amenity and Amenity of the Future Occupiers of the Dwellings
- Trees

The impact on the Character and Appearance of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design and beautiful places which are key aspects of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 Policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan requires development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide SPD sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

RLSNDP Policy RLS2 states that planning proposals for new housing development will be required to achieve good design. They should function well for all by being *Lifetime Homes* and make a positive contribution to the quality of the built environment in Royal Leamington Spa. Proposals will be assessed against Warwick District Local Plan Policy BE1 and should have regard to any relevant Supplementary Planning Documents, including the Warwick District Council *Residential Design Guide SPD*.

Policy RLS2 states that applicants are encouraged to go beyond prevailing sustainable development standards, particularly with regard to environmental performance of buildings, resource consumption and recycling. Where possible, proposals should aim to achieve Level 4 of the Code for Sustainable Homes and the incorporation of higher environmental standards such as Passivhaus or a similar approach is encouraged. When considering such measures applicants and decision-makers will need to ensure that there is a balance between the need for

innovation and respecting and harmonising with buildings and local quality and character of surrounding development. *Building for Life*, or an equivalent assessment framework, should be used to assess the suitability of proposals.

RLSNDP Policy RS4 states that in residential areas, outside of the Conservation Areas, applicants will be expected to demonstrate how housing development proposals have taken in to account, and responded to, the predominant character (including local building styles and materials) in the street/road/locality within which the proposed development will be situated. Proposals should retain and create new off-street car parking. Innovative and contemporary design that respects and responds in a positive manner to local character will be supported. Proposals should seek to maintain views of higher slopes, skylines and the wider landscape. Proposals that fail to respect the character of an area and result in poor design will not be permitted.

Under the previous application, owing to the fact that the buildings had been designed to minimise the carbon output and lifecycle carbon, thus reducing the overall carbon footprint in comparison to traditional construction, it was considered that these measures addressed the energy efficiency requirements of Policy RLS2. Given that the energy efficiency measures have not changed as a result of the proposed amendments, this policy again is considered to be met.

The proposed amendments would result in a row of four terraced dwellings, in comparison to two pairs of semi-detached dwellings (with the bungalows remaining at the front of the site). Owing to the position and orientation of the housing and its relationship with the street scene, it is unlikely that this change will have a significant impact on the street scene because the site is viewed "side-on". There are limited views of the site within the wider area, thus meaning that this change is unlikely to have a negative impact on the character of the area, particularly given the variety in styles of dwellings nearby.

The changes to the roofs of the properties to provide modest pitch roofs will make the development more in keeping with the surrounding residential development, which benefits from pitched roofs.

The properties would still adopt a relatively contemporary design, and there would be no changes to the bungalows which have the greatest impact on the street scene. Moreover, the dwellings would now appear as two storey dwellings, rather than a 1.5 storey structure with a box dormer, which is more similar to the scale and design of development within the wider area. It should be noted however that the overall ridge height would not be increased in comparison to the previously approved scheme.

The proposed materials can be controlled by condition to ensure a high quality development. The amended scheme is considered to provide an appropriate form of development which would improve the site, which currently adds no value to the street scene. The proposal is considered to respond appropriately to its surroundings, providing a relatively modern development which also respects the existing built form. Therefore, the proposed development is considered to be in accordance with Local Plan Policy BE1 and the relevant RLSNDP policies.

Impact on Neighbouring Residential Amenity and Amenity of the Future Occupiers of the Dwellings

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPD provides a framework for Policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of the nearest front or rear facing habitable room of a neighbouring property.

A member of the public has objected to the amendments on the basis that there would be loss of privacy, and noise and light disturbance during the construction works.

Impact on neighbouring residential amenity

The overall height of the development would be no greater than that which was previously approved. The proposed amendments would result in the partial extension of the first floor of the dwellings, this is in order to provide a space for plant equipment, as opposed to this being located on the ground floor. This is clearly labelled on the plans as a room for plant equipment and has a sloped ceiling, with the majority of the room having below 1.8m of head room. Given that the plant equipment will be required to heat / power the properties, the restricted head height and fact that there are no windows proposed in this space, it is highly unlikely that this space would ever be used for habitable accommodation. For this reason, there would be no additional overlooking or loss of privacy in comparison to the previously approved scheme. However, a condition will still be added to ensure that no windows can be installed within the north elevation of the roof slope to protect the neighbours' privacy.

A condition for a construction management plan was not deemed necessary for the purposes of the development under the previous application. It would therefore not be reasonable to condition this information for this application, given that the scale of development has not increased to an extent which is likely to have a greater impact on neighbouring amenity, or highway safety.

Living conditions for the future occupiers

There would be no material impact on the living conditions for the future occupiers of the dwellings as a result of the proposed changes. Each property would still be provided with sufficient amenity space which meets the requirements set out within the Residential Design Guide.

For these reasons the proposed development is considered to be in accordance with the NPPF and Local Plan Policy BE3.

Trees

A member of the public has objected to the scheme on the basis of a loss of habitat for trees to grow.

The area of the footprint of the proposed development is the same as that which was previously approved. The proposal would result in a minor change to the location of the dwellings, in that they would be a row of terraces, rather than two pairs of semi-detached dwellings.

The Tree Officer has been consulted and has no objection to the development. Officers have therefore no reason to consider that the proposed amendments would result in a greater impact on trees in comparison to the previously approved scheme.

Other Matters

A member of the public has objected to the proposal on the basis of air pollution from construction works and an increase in traffic. However, it is not considered that the proposed amendments would result in an increase in traffic or increased impact on air quality in comparison to the previously approved development.

All of the conditions attached to the previous application have been carried forwards to the current application.

Conclusion

In comparison to extant permission W/20/0158, the proposed amendments are considered to be acceptable in design terms and would also have an acceptable impact on neighbouring amenity and trees. The proposal is therefore recommended for approval.

CONDITIONS

1 The development hereby permitted shall begin not later than three years from 18th June 2020 (the date of the original permission). **REASON**: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings Q3970 - Mark Up: Site Sections and Elevations Rev B, Proposed Floor Plans (Houses) Rev B, Proposed Block Plan Rev C, Elevations (Proposed) Rev B, Proposed Floor Plans (Bungalows) Rev B, Section (Proposed) Rev B and Landscaping and Ecological Plan Rev A submitted on 24th August 2021, and specification contained therein. **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.

3 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application

documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON**: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority. **REASON**: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

5 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **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.

6 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit 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 to satisfy the

requirements of Policy FW3 of the Warwick District Local Plan 2011-2029

7 No development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **REASON:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

8 The development shall be carried out strictly in accordance with the details contained within the surface water outfall assessment. **REASON:** To ensure that the proposal would provide suitable drainage methods for the site in accordance with Policy FW2 of the Warwick District Local Plan 2011 - 2029.

9 The development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **REASON**: To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

10 Noise arising from the air source heat pumps installed at the site, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON**: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

11 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON**: To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

12 Prior to the occupation of the development hereby permitted, the first floor side facing windows in the east and west elevations of the dwellings shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **REASON**: To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.

13 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **REASON**: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

14 Any hard landscaping and ecological enhancements shown on the approved plans, including boundary treatment, paving and footpaths, shall be completed in all respects within the 6 months of the first use of the development hereby permitted. Any soft landscaping shown on the approved plans, including any tree(s) and shrub(s), shall be planted within the first planting season following that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of the same size and species to those originally required to be planted. 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. The ecological enhancements (bird boxes) shall be retained in perpetuity, or replaced and retained with a bird box of a similar quality. **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.

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no windows or

openings shall be formed in the north facing roofslope of the houses (not bungalows) hereby approved. **Reason:** To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.