Planning Committee: 22 June 2021 **Item Number: 5**

Application No: W 20 / 1606

Registration Date: 07/10/20
Town/Parish Council: Leamington Spa **Expiry Date:** 06/01/21
Case Officer: Dan Charles
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Falstaff Hotel, 16-20 Warwick New Road, Leamington Spa, CV32 5JQ
Partial demolition and internal and external alterations to facilitate conversion of existing hotel to 27no. residential apartments together with associated car parking and landscaping works FOR Turnbrook Limited

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This application is being presented to Planning Committee due to more than 5 public objections and an objection from the Town Council having been received.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The development proposes the removal of various extensions and infills between the three main traditional Victorian Villas to create 3 apartment buildings consisting of a total of 27no. apartments comprising of 6no. 1 bed and 21no. 2-bedroom apartments.

The proposal also includes the provision of landscaping works to the rear of the site to create a revised parking area together with areas of amenity space for future occupiers.

THE SITE AND ITS LOCATION

The application site is located within the Royal Leamington Spa Conservation Area and fronts onto Warwick New Road. The rear of the site backs onto Warwick Place.

The site is approximately 0.35ha in area and accommodates the existing Falstaff Hotel building and associated car parking to the front and at the rear of the hotel. The site consists of three traditional Victorian Villas that have been the subject of multiple extensions and alterations infilling between and to the rear of these villas. The extensions are a mix of pitched and flat roof extensions which have detracted from the distinct forms of the original buildings creating a single monolithic structure. On the rear elevation, the extent of alterations and extensions has made the appearance of the original villas much less apparent. The only overall unifying feature of the façade being a white painted/rendered finish.

The external areas of the site to this elevation are dominated by the hard landscaping with the whole area giving the appearance of being very much 'back of house' in nature.

The surrounding area is predominantly in residential use with the exception of Warwickshire College which sits opposite the site on Warwick New Road. The area has a range of traditional and modern properties with no distinct primary character or design ethos.

PLANNING HISTORY

There is no relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- DS1 - Supporting Prosperity
- DS3 - Supporting Sustainable Communities
- DS5 - Presumption in Favour of Sustainable Development
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix or Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- CC1 - Planning for Climate Change Adaptation
- HE1 - Protection of Statutory Heritage Assets
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- CT3 - Protecting Existing Visitor Accommodation in Town Centre
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Affordable Housing (Supplementary Planning Document - June 2020)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS2 - Housing Design
- RLS3 - Conservation Area
- RLS5 - Royal Leamington Spa Housing Mix and Tenure
- RLS12 - Air Quality
- RLS13 - Traffic and Transport
- RLS14 - Cycling

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection for the following reasons:

- Overdevelopment of the site, deficiency in proposed on-site parking spaces and deficiency in residents' amenity space provided.
- The Town Council supports a redevelopment of this site for residential use but is concerned to see no financial contribution or affordable housing is proposed. This means the redevelopment would make no contribution to mitigate the impacts on infrastructure it would have. Disappointing to see no mention of consideration of the Neighbourhood Plan.

WDC Environmental Protection: Concern over potential noise impacts. Recommend retention of and increase of boundary wall to alleviate impact. Recommend conditions relating to contaminated land, air quality and construction management plan.

WDC Waste Management: No objection.

WDC Arboricultural Officer: Satisfied with survey work carried out. Recommend condition to secure Arboricultural Method Statement and Tree Protection measures.

WDC Policy: No objection.

WDC Conservation: No objection in principle. Raise some concern with scale of light wells and fenestration at basement level. Recommend conditions relating to painting of exterior of building, large scale details, samples of facing materials, use of timber windows and metal rainwater goods.

Conservation Advisory Forum: Commend the developers for isolating the three villas and returning them to something that is more compatible with the area. Would like to see a more appropriate landscaping scheme with more planting and less parking. Would prefer fewer but larger sized apartments would also reduce the strain and restrictions on parking and landscaping as well as provide for better living conditions. Concern over basement level windows and some new openings appear untidy. Overall, CAF were supportive of the scheme in principle.

WCC Highways: No objection - The proposal is supported by a Transport Statement which considers the impact of the development on the surrounding Highway Network. The Transport Statement also includes reasoning for the reduction in parking provision proposed. Warwickshire County Council as the Local Highway Authority is satisfied that the proposed level of parking will not result in indiscriminate parking on the nearby Highway that will lead to safety and capacity concerns.

WCC Flood Risk Management: Following receipt of additional information, no objection subject to conditions.

WCC Ecology: No objection. Have reviewed submitted Ecological Appraisal and satisfied no further bat surveys required. Recommend works be carried out under the supervision of a licensed bat ecologist. Recommend conditions regarding bat

works, lighting scheme and biodiversity enhancements together with explanatory notes.

WCC Landscape: Traditionally the gardens would have provided a formal setting to the Victorian villas and a sense of arrival. This is an opportunity to recreate some of the former splendour associated with these dwellings and their grounds. Concern over layout of amenity space and car parking with use of boundary fencing. The proposed extent of car parking has reduced the potential to create attractive communal and private garden areas and enhance the setting to the Villas. This would then be contrary to Policy BE1 of the Local Plan. The proposed site plan shows the retention of existing trees which are immediately outside the red line boundary. No details on the proposed planting or hard works have been provided. The plan shows several new trees, shrubs, hedges, possibly flowering plants (the key is not clear) and grassed areas. How will the 'sunken courtyard spaces' at the front and left hand side of the Villas be landscaped? There is an opportunity to include bulbs and a flowering lawn mix within the shrub and /or grassed areas for added interest. Details of all species, size at planting and density of planting should be provided. All trees should be replaced with species of an equivalent height and girth. Planting is proposed to the rear of the front wall which will help to soften the buildings and provide some degree of privacy from the road. Would prefer to see frontage boundary wall replicated along the boundary with Warwick Place to tie in with adjacent boundary treatments. Recommend details of all new planting and proposed boundary treatments secured by condition.

Severn Trent Water: No objection, subject to drainage condition and note.

Public Response: 5 objections have been received making the following comments:

- Over-development of the site.
- Preferable to have fewer, larger units.
- Welcome the removal of years of ad hoc additions to allow villas to standalone but a different mix of units would be more appropriate.
- Need to ensure that privacy is maintained.
- Roofing should be welsh slate to match the excellent restoration of the front facades.
- Lack of parking provision which could put pressure on local area.
- Potential for light pollution from car park lighting.

Section 106 Requests:

WDC Sport and Leisure: £57,645 towards improved indoor and outdoor sports facilities.

WCC Infrastructure: £1,973 (plus monitoring fee) towards libraries and sustainable travel promotion.

NHS South Warwickshire Foundation Trust: £26,385.94 towards improved acute and planned healthcare facilities.

ASSESSMENT

Principle of Development

Loss of Hotel Use

Policy CT3 of the Warwick District Local Plan relates to the protection of existing visitor accommodation in town centres. This policy aims to support the role of town centres as the primary locations for visitor accommodation. However, the application site does not fall within the designated town centre boundary and therefore the proposal does not conflict with Policy CT3. There is no policy protection for visitor accommodation outside of town centres. Accordingly, no policy objection is raised to the loss of the hotel use.

Housing

The site lies within the urban area boundary of Royal Leamington Spa. In this location, Policy H1 of the Local Plan states that the principle of new residential development is considered to be acceptable.

Policy RLS1 of the NDP states that proposals for new housing development within the Royal Leamington Spa Urban Area, will be supported for (inter alia) re-use of previously developed land and buildings when not in conflict with other development plan policies.

The site falls within the identified urban area of Royal Leamington Spa and relates to the conversion of an existing building. The proposal represents the conversion of the building back into the original plan form of 3 individual Victorian villas.

The proposal is considered acceptable in principle.

Viability of Proposal

Policy DM1 of the Local Plan refers to Infrastructure Contributions and expects all new developments to provide or contribute towards provision of measures to directly mitigate its impact and make it acceptable in planning terms and to provide the physical, social and green infrastructure to support the needs associated with the development. It states that the Council will, where appropriate, seek to secure site-specific infrastructure investments and/or contributions as well as off-site contributions and/or investments. The nature and scale of these will be related to the form of development and its potential impact on the site and surrounding area.

Policy DM2 refers to assessing viability and states that developments will be expected to comply with the policies set out elsewhere in this Plan (including those polices that refer to the provision and funding of infrastructure), unless it can be demonstrated that the policies will result in the development being unviable.

The application has been submitted with a detailed Viability Assessment carried out by a suitably qualified appraiser of the proposal to demonstrate that the scheme would not be capable of being delivered if Section 106 contributions were required. The report concludes that with the inclusion of the 40% affordable

housing requirement and the likely s.106 contributions, the proposed scheme would see a huge loss amounting to approximately -15.69% profit on value and -13.56% profit on cost. It is therefore very clearly unviable on that basis.

The report further demonstrates that even if no affordable housing or s.106 contribution is provided at all the scheme still only provides a profit level reflecting 5.41% on value and 5.72% on cost. This is well below the generally accepted levels of profit for development viability of 15%. Even with sensitivity testing the development doesn't get close to such levels. The levels of profit does in fact show that no affordable housing or s.106 contributions at all are justified in this instance.

The report has been assessed by an Independent Viability Specialist for the District Council who have undertaken a full review of the submitted viability analysis and the assumptions that they have adopted including 'sense checking' of the Cost Plan provided to inform the assessment of viability. In addition, the consultant has undertaken a Development Viability Appraisal using industry standard software. Several adjustments to the assumptions applied in the applicant's assessment, in particular relating to the interpretation of the construction costs, professional fees, development finance, developer's return for risk (profit) and Benchmark Land Value (BLV).

Having incorporated their own revised assumptions into the software, the assessment generates a developer's return for risk (profit) for the proposals of +**8.38%**. This is lower than the target level of return of 18.5% on GDV. The consultants FVA indicates that there is no surplus which could contribute to affordable housing and/or other planning contributions.

Finally, the consultant has undertaken a strategic sensitivity test of a lower level of GDV to assess the impact on the viability of the scheme proposals and the sensitivity test shows that with the lower value assumptions incorporated into the Development Viability Appraisal, the level of developer's return for risk (profit) is negative, being in the order of **-1.24%**.

This indicates that there is no surplus for planning contributions or affordable housing. It also indicates that the viability of the scheme could be even more marginal/challenging than the position anticipated by the Applicant's advisors.

On the basis of the assessment received from the Viability Specialist, Officers are satisfied that it has been suitably demonstrated that the scheme cannot provide for affordable housing or Section 106 contributions based upon the provision of 27 units of accommodation.

<u>Design and impact on visual amenity and the character of surrounding area and impact on character of the Conservation Area</u>

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect 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.

Warwick District Local Plan Policy HE1 (protection of Heritage Assets) states development will be expected to respect the setting of conservation areas and important views both in and out of them.

Policy BE1 of the Local Plan 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 calls for 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.

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.

Neighbourhood Plan Policy RLS3 states that development proposals that are within or directly affect a conservation area must assess and address their impact on their heritage significance.

The existing hotel premises has retained the original character of the Victorian Villas on the front elevation fronting onto Warwick New Road. The key element on this elevation is the flat roof infill areas between the villas that are to be removed as part of the scheme.

The resultant scheme will re-establish the original character of the three Victorian Villas on the Warwick New Road frontage. This will have a significantly positive impact on the character of the street scene and wider Royal Leamington Spa Conservation Area.

To the Warwick Place elevation, significant works are also proposed to remove infill elements and additions to recover the character of the villas, albeit it with elements of the existing buildings retained to be converted into apartments to ensure that the scheme is financially viable.

A key aspect is that the scheme will allow for views through the site from front to rear which is akin to other properties within the street scene.

The layouts of the three retained villas have been designed to enable them to utilise their original entry points in the Warwick New Road elevation to bring these back into more meaningful use to further restore the original character of the site.

The Conservation Officer and Conservation Advisory Forum have made reference to the scale of fenestration at the basement level. The use of oversized windows at the basement level has been designed to ensure that adequate levels of light can be achieved within the basement apartments and the most appropriate method is through the maximisation of the openings. Whilst the scale of windows

at basement level does not accord with the window sizes on the floors above, the prominence of these windows is limited due to the subterranean nature of the basement flats. In visual terms, the impact is marginal. When balanced against the need to provide light to these apartments, Officers consider that on balance, the benefits to future occupiers outweighs the identified harm.

Overall, the scheme results in a positive impact in terms of design and the impact on the character of the local area, street scene and wider Conservation Area. The scheme is therefore considered acceptable having regard to Policies BE1 and HE1 of the Local Plan and Policy RLS3 of the Neighbourhood Plan.

Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The demolition works have the benefit of removing built form off the side boundaries of the site where the property sits alongside the adjacent properties. This physically reduces the overall impact on the amenity of neighbouring properties. The proposal retains and reintroduces the existing character of the Victorian Villas that share a side to side relationship with neighbouring premises. The scheme has been sensitively designed to ensure that there is no harmful overlooking of the adjacent properties and only existing windows are to be utilised to ensure that there is no change in terms of overlooking opportunity.

To the front and rear elevations, separation distances are significant and comply with the SPD and Officers are satisfied that the development would not be harmful to properties to the north or south of the application site.

The external areas have been designed to minimise the impact on adjacent properties. The car parking areas have been relocated to the very rear of the site adjacent to the boundary with Warwick Place ensuring a green buffer from the property to the east of the site. To the west, the parking area remains as existing and in Officers opinion would not result in any material harm.

Overall, the scheme will result in an improvement in terms of the impact on neighbouring properties and as such is considered acceptable having regard to Policy BE3 of the Local Plan.

Amenity of future occupiers

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that does not provide acceptable standards of amenity for future occupiers of a development.

The units form a range of 1- and 2-bedroom apartments spread across the basement, ground and first and second floor levels.

At basement level, the units are served by large lightwells and oversized windows to obtain as much light as possible. Whilst under normal circumstances, the Residential Design Guide SPD seeks to resist the provision of habitable

accommodation served by lightwells only due to the limited outlook afforded from the windows, in this case, the proposal has been submitted with a detailed viability assessment that demonstrates that the use of basement accommodation is required to make the scheme viable.

In this case, Officers consider that the planning balance of providing residential units with limited outlook at basement level is outweighed by the significant benefits of restoring the traditional character and appearance of the Victorian Villas. The basement level as stated above is mitigated with enlarged openings and larger than average lightwell areas so on balance, Officers are satisfied that the scheme is acceptable. Officers are also satisfied that this would not set any form of precedent for the provision of basement accommodation elsewhere due to the unique circumstances of this particular case.

At ground and first floor, all habitable rooms are provided with appropriately sized windows to afford acceptable levels of light and outlook for future occupiers. It is noted that angled windows have been used on the inner elevation between the villas to prevent unacceptable standards of amenity as the result of direct facing windows. The use of this form of window will ensure that the occupiers have acceptable levels of light and outlook without any harm from direct facing units.

At second floor level, a new roof structure is proposed to create a single unit of two-bedroom accommodation to the central villa. The main living area and one of the bedrooms is served by appropriately sized facing windows. The second bedroom is served by a full height double roof light which in Officers opinion, whilst unconventional, will provide adequate light and outlook for future occupiers.

The only other accommodation at second floor level is the two bedrooms serving a duplex apartment in the eastern most block. Both rooms are served by facing windows that afford light and outlook to future occupiers.

In terms of external amenity space, the rear of the site provides an open area of amenity space of 475 square metres. The Residential Design Guide SPD seeks the provision of 10sq metres per bedroom for a flatted development. A total of 48 bedrooms are provided in this application requiring an area of 480 sq metres. The site also includes various areas of incidental amenity space in addition to the main area and Officers are therefore satisfied that the development will provide acceptable living conditions for all future occupiers.

The Environmental Health Officer has raised some concern regarding the impact of noise on future residents. A solution to this issue was the increase in height of the rear boundary wall with Warwick Place to match the height of the taller section to provide an improved barrier between the road and the application site. Having viewed the site, Officers are satisfied that this is an appropriate solution that will also have the additional benefit of screening the car parking from the public domain.

Overall, whilst Officers acknowledge that the proposed basement flats will have a lower level of amenity, this has been maximised by the use of lightwells and large areas of glazing. On balance, taking into account the specific viability issues associated with this site, Officers consider that the development is acceptable having regard to Policy BE3 of the Local Plan.

Parking and Highway Safety

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.

Policy RLS13 of the Neighbourhood Plan requires all developments to support measures for sustainable transport methods to make Royal Leamington Spa a cleaner, safer and healthier town.

The proposal benefits from existing accesses to both Warwick New Road and Warwick Place. The accesses all have satisfactory visibility and there is sufficient space within the site for all vehicles to be able to enter and exit in a forward gear.

The existing frontage onto Warwick New Road has an existing in/out access arrangement with the frontage set to hardstanding. It is proposed to provide 10 car parking spaces to this area of the frontage.

The main parking area is proposed to the rear of the site. This area is currently laid out as the existing hotel car park. The proposal is to reconfigure the area to provide an additional 32 car parking spaces.

Overall, the scheme provides 42 parking spaces for the 27 apartments. The car parking standards SPD sets a requirement for this form of development to provide 48 car parking spaces which results in a total under-provision of 6 spaces. Taking into consideration the 1 space per unit for a one bedroom apartment, this provides 42 spaces for the 21 x two bedroom apartments which gives an average of 1.7 spaces per unit compared to the 2 spaces per unit required within the Car Parking Standards SPD. It is noted by Officers that the current use of the site as a hotel results in a substandard level of car parking by 30 spaces as set out within the SPD.

The level of parking has been justified with the submission of a detailed Transport Assessment provided by a specialist highways consultant which sets out a framework for the consideration of the application. This has been assessed by the County Council Highways Officer who agrees with the details submitted and raises no objection to the scheme on the basis that they are satisfied that the scheme would not result in harmful displacement of parking onto the wider highway network.

The development also provides a total of 54 cycle parking spaces within the site that fully accords with the Parking Standards SPD in order to provide appropriate sustainable transport options for future occupiers. In addition to the cycle parking provision, 27 EV Charging points are proposed for the parking area to ensure that every property is provided with the appropriate infrastructure to allow ownership of an Electric Vehicle.

Having assessed the provision on site together with the supporting information provided, Officers are satisfied that the level of car parking provided is acceptable and has been fully justified on the basis that the scheme falls within a highly

sustainable area with access to the facilities within Leamington Spa Town Centre accessible by foot or cycle together with easy access to bus stops offering alternative transport methods.

The shortfall in parking for the proposed use is lower than the current shortfall for the existing use.

Taking into account the above, Officers are satisfied that the scheme is acceptable having regard to Policies TR1 and TR3 of the Local Plan and Policy RLS13 of the Neighbourhood Plan.

Impact on Ecology/ Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The application was submitted with a detailed Ecological Appraisal of the site that indicated that the existing building contains features suitable for roosting bats. As a result of this investigation, two activity surveys were carried out. However, no bats were seen entering or emerging from the building during the surveys.

The County Ecologist is satisfied that sufficient survey work has been undertaken in an effort to establish the absence of a bat roost and does not recommend that any further surveys are required for this building. However, the Ecologist has advised that as records have identified that a bat was recorded roosting in an adjacent building and given that a planning permission is valid for three years, they recommend that the proposed works are carried out under the supervision of a licensed bat ecologist. This can be controlled by condition.

In addition to the above condition requirement, the Ecologist has recommended conditions relating to external lighting and biodiversity improvements together with a range of explanatory notes.

Subject to the above conditions and notes, Officers consider that the proposal is acceptable having regard to Policy NE3.

Drainage

Policy FW2 of the Warwick District Local Plan states that all new major developments must incorporate SuDS that provide biodiversity, water quality and amenity benefits and be in accordance with the Warwickshire Surface Water Management Plan. There will be a presumption against underground storage of water, and it should support the delivery of green infrastructure. In addition, SuDS schemes must be located outside the floodplain; ideally this should be within the development site or close to the site as part of a master planned drainage scheme. Priority should be given to SuDS that incorporate green infrastructure, including green roofs, walls and rain gardens.

Neighbourhood Plan Policy RLS1 states that development proposals for previously developed land, where appropriate, should undertake a surface water outfall

assessment, following the Drainage Hierarchy (National Planning Practice Guidance, paragraph 80) to determine if there are viable alternatives to existing connections to the combined sewer network.

The application has been the subject of negotiations between the applicants and the County Council Flood Risk Management Team following a holding objection seeking additional information to demonstrate that the proposed development would result in a betterment of 50% over existing discharge rates through the use of Sustainable Drainage Methods.

The applicants have submitted details to demonstrate that the above requirements can be met through a detailed Drainage Strategy incorporating permeable surfacing together with improvements to on-site storage of surface water to allow the reduction in run off rates to meet the required 50% betterment.

The details have been assessed by the County Flood Risk Management Team who are satisfied with the details and have requested a condition to secure the final detailed drainage design to be submitted and approved together with a maintenance condition to ensure that the long term maintenance of the drainage system is secured.

Subject to the imposition of the above conditions, Officers are satisfied that the development is acceptable having regard to Policy FW2 of the Local Plan and Policy RLS1 of the Neighbourhood Plan.

Trees/Hedgerows

The scheme has been submitted with an Arboricultural Assessment of the site which assesses all of the trees on the application site. A single tree is to be removed to facilitate the scheme and this has been considered as acceptable by the Council's Tree Officer. Whilst the loss of any tree species is unfortunate, Officers are satisfied that this can be adequately mitigated for through the imposition of a condition requiring the submission of a detailed planting scheme to secure additional planting works across the site.

The Tree Officer has also recommended the imposition of conditions to secure an Arboricultural Method Statement and details of tree protection to be submitted and approved to ensure that all remaining trees on the site and adjacent to the site are protected during the development.

Waste Storage

Appropriate waste storage facilities have been shown on the submitted drawings. The District Council Waste Management Team have therefore raised no objection to the proposed development.

CONCLUSION

The principle of development is considered acceptable having regard to Policy H1 of the Local Plan.

The Viability Assessment has been scrutinised by an independent specialist who has confirmed that the scheme would not be viable with Section 106 contributions and affordable housing requirements and Officers with this conclusion and therefore, no Section 106 agreement is proposed.

The development is considered to have a positive impact in terms of design and impact on the Conservation Area. Officers are satisfied that the development will have acceptable standards of amenity for existing properties as well as future occupants.

Matters relating to Highway Safety, Ecology and Drainage can be mitigated through appropriate conditions.

On the basis of the above, Officers recommend that the application be granted.

CONDITIONS

1 The development hereby permitted shall begin not later than three years from the date of this 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 drawing(s) 3631-111G, 3631-112B, 3631-113E, 3631-114G, 3631-115F, 3631-119E, 3631-120B, 3631-121, 3631-122A, 3631-125B, 3631-127B, 3631-132A, 3631-133A, 3631-134A, 3631-135A, 3631-136A, 3631-137A, 3631-138A and 3631-139A, and specification contained therein, submitted on 7 October 2020 and approved drawing(s) 3631-116F and 3631-126C, and specification contained therein, submitted on 8 March 2021.

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 shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA, and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rainstorm to the runoff rate of maximum 20 l/s for the site.

- Provide cross sections of any SuDs features, including permeable paving, showing design in accordance with the with the CIRIA SuDS Manual C753

- Provide plans and more details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event. Please provide curb heights of footpaths and roads, as it appears that the current overland flow routing paths would direct water down the steps and therefore into the property.

- Provide evidence to show an agreement (S106) from Severn Trent Water to show they have adopted the new network

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

4 The development hereby permitted shall not commence unless and until tree protection/mitigation measures have been submitted to and approved in writing by the LPA and the approved measures have been put in place. The approved measures must remain in place for the duration of the works. The measures are to be submitted for all of the trees within the site as well as the highway trees that may be affected by the proposed demolition and re-development and must include:

a] an arboricultural method statement and tree protection plan in accordance with British Standard BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations, Clause 7 in particular.

b] an arboricultural site monitoring protocol that will confirm to the local planning authority by independent examination that the agreed tree protection measures are in place for the duration of the development

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.

5 The development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority.

Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary wall to Warwick Place, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted.

The soft landscaping details shall include details of all proposed planting works including species names, mix and planting densities. 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 the same size and species as that originally 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.

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.

6 The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

7 No development shall take place until:

1. A site investigation has been designed for the site using the information obtained from the approved desk-top / preliminary study and any diagrammatical representations (conceptual model). The investigation must be comprehensive enough to enable:

- A risk assessment to be undertaken relating to human health
- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected

- An appropriate gas risk assessment to be undertaken
- Refinement of the conceptual model
- The development of a method statement detailing the remediation requirements

1. The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.

2. A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site.

2. All development of the site shall accord with the approved method statement.

3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be deal with.

4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

8 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

9 The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.

In discharging this condition the Local Planning Authority expects lighting to be restricted at the north and south of the site and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

- Lighting should be directed away from vegetated areas;
- Lighting should be shielded to avoid spillage onto vegetated areas;
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods;
- Connections to areas important for foraging should contain unlit stretches.

Reason: In accordance with NPPF, ODPM Circular 2005/06

10 The development hereby permitted shall not commence until a scheme for biodiversity enhancements has been submitted and approved in writing by the Local Planning Authority. The scheme should include details of timings, specifications for bat and bird boxes, native, fruit bearing or nectar-bearing tree and shrub species planting and access gaps for hedgehogs in any new fences. The development shall be carried out in full compliance with the approved details.

Reason: In accordance with NPPF, ODPM Circular 2005/06

11 No development shall be carried out above slab level unless and until samples of the external facing materials (to include the paint colour of the facades) 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.

12 No development shall be carried out above slab level unless and until large scale details of fencing, railings, doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have

been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details.

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.

13 All window and door frames shall be constructed in timber and shall be painted and not stained.

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.

14 All rainwater goods for the development hereby permitted shall be metal.

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.

15 No occupation and subsequent use of the development shall take place until a detailed Maintenance Plan, written in accordance with CIRIA C753, is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details, shall be provided to the LPA and LLFA within the maintenance plan.

Reason: To ensure the future maintenance of the sustainable drainage structures in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

16 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.

17 The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to features suitable to be occupied by bats of the building to be affected. All roofing material is to be removed carefully by hand.

Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England.

Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings.

Reason: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

18 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.

19 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 adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

20 The development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been constructed or laid out in strict accordance with the approved plans, and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available

at all times for the storage of refuse and recycling associated with the development. **Reason:** To ensure the satisfactory provision of refuse and recycling 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.