Planning Committee
Tuesday 22 June 2021

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Tuesday 22 June 2021, at 6.00pm and available for the public to watch via the Warwick District Council YouTube channel.

Councillor Boad (Chairman)
Councillor Morris (Vice Chairman)

Councillor M Ashford
Councillor G Cullinan
Councillor R Dickson
Councillor T Heath
Councillor O Jacques
Councillor J Kennedy
Councillor V Leigh-Hunt
Councillor N Murphy
Councillor N Tangri

Emergency Procedure

At the commencement of the meeting, the emergency procedure for the Town Hall will be announced.

Agenda
Part A – General

1. **Apologies & Substitutes**

(a) to receive apologies for absence from any Councillor who is unable to attend; and
(b) to receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

2. **Declarations of Interest**

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be disclosed during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

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3. **Site Visits**

The Chairman to report the location of the planning application sites visited and the names of the Committee Members who attended.

4. **Minutes**

To confirm the minutes of the meeting held on 18 May 2021 **(Pages 1 to 4)**

Part B – Planning Applications

To consider the following reports from the Head of Development Services:

5. **W/20/1606 – Falstaff Hotel 16-20 Warwick New Road, Royal Leamington Spa** **(Pages 1 to 20)**

Major Application

6. **W/20/1887 – 3 Wise Terrace, Royal Leamington Spa** **(Pages to 22)**

Major Application

7. **W/20/2126 – 27 Eastfield Road, Royal Leamington Spa** **(Pages 1 to 11)**

8. **W/21/0075 – Newark House, 17 Newbold Terrace, Royal Leamington Spa** **(Pages 1 to 6)**

Please note:

(a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.

(b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.

(c) in accordance with the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting remotely by joining the remote meeting through their personal device on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at Speaking at Planning Committee any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.

(d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.

(e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

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For enquiries about specific reports, please contact the officers named in the reports. You can e-mail the members of the Committee at planningcommittee@warwickdc.gov.uk

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Planning Committee

Minutes of the meeting held on Tuesday 18 May 2021 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Boad (Chairman); Councillors Ashford, Cullinan, R. Dickson, Grey, Heath, Jacques, Kennedy, Leigh-Hunt, Morris and Tangri.

Also Present: Committee Services Officer – Mr Edwards; Legal Advisor – Mrs Amphlett; Business Manager – Development Manager – Rob Young; and Planning Officer – Andrew Tew.

1. **Apologies and Substitutes**

(a) there were no apologies and

(b) Councillor Grey substituted for Councillor Murphy.

2. **Appointment of Chairman**

It was proposed by Councillor Morris and seconded by Councillor Ashford that Councillor Boad be appointed Chairman of Planning Committee.

Resolved that Councillor Boad be elected Chairman of Warwick District Council's Planning Committee for the municipal year 2021/22.

3. **Appointment of Vice-Chairman**

It was proposed by Councillor Ashford and seconded by Councillor Grey that Councillor Morris be appointed Vice-Chairman of Planning Committee.

Resolved that Councillor Morris be elected Vice-Chairman of Warwick District Council's Planning Committee for the municipal year 2021/22.

4. **Declarations of Interest**

There were no declarations of interest made.

5. **Site Visits**

There were no arranged site visits made by the Committee but Councillor Dickson independently visited the following site:

W/20/1947 – Firs Cottage, Firs Lane, Haseley.

6. **Minutes**

The minutes of the meeting held on 30 March 2021 were taken as read and signed by the Chairman as a correct record.

7. W/20/1464 - Shires Gate Trade Park, Unit 1, Tachbrook Park Drive, Warwick

The application was removed from the agenda by officers to allow time for the public consultation period to expire.

8. W/20/1947 – Firs Cottage, Firs Lane, Haseley

The Committee considered an application from Mr Smith for the proposed erection of stabling and implement/hay store to replace an existing hay store.

The application was presented to Committee because of the number of comments in support when the recommendation was that the application should be refused.

The officer was of the opinion that the proposal constituted inappropriate development within the Green Belt and failed to preserve the openness of the Green Belt by virtue of being of an excessive height, bulk and scale. Furthermore, the development provided an inappropriate 'domestic' design and appearance that increased the visual harm to the character and openness of this rural locality. No very special circumstances had been presented or were considered to exist which would outweigh the harm identified. The development was therefore considered to be contrary to Local Plan policy DS18 and the NPPF.

An addendum circulated prior to the meeting advised that the applicant had written a letter in support of the application to all Members of the Planning Committee.

The following people addressed the Committee:

- Miss Hingley, speaking in support;
- Miss Paton, speaking in support; and
- Mr Ross, speaking in support.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Kennedy that the application should be refused.

The Committee therefore

Resolved that W/20/1947 be **refused** because the site is situated within the Green Belt and the NPPF states that, within the Green Belt, the rural character of the area will be retained and protected. It also contains a general presumption against inappropriate development in Green Belt areas and lists specific forms of development which can be permitted in appropriate circumstances. The proposed development could fall broadly into the category of the provision of appropriate facilities for outdoor recreation. However, the proposal fails to preserve the openness of the Green Belt by virtue of being of

an excessive height, bulk and scale, and proposes unnecessary uses within the building which would not represent appropriate facilities within the Green Belt. Furthermore, the development provides an inappropriate 'domestic' design and appearance that increases the visual harm to the character and openness of this rural locality.

In the Planning Authority's view, very special circumstances sufficient to justify departing from this Guidance have not been demonstrated. The proposal is therefore considered to be contrary to the NPPF and Warwick District Local Plan 2011 - 2029 policy DS18.

9. **W/21/0123 – 1 Mortimer Road, Kenilworth**

The Committee considered an application from Mr Butler for the erection of a two-storey side extension, a single storey rear extension and a single storey front extension following the demolition of existing brick sheds.

The application was presented to Committee because the applicant was closely related to an employee of Warwick District Council.

It was considered that the proposals were in keeping with the rest of the property, were an appropriate scale for the dwelling house and were not considered to appear at odds with the street scene. The proposals complied with the WDC Residential Design Guide SPD by introducing a matching roof shape and pitch, adopting appropriate materials and conforming with the aforementioned set down, set back and one metre distance separation.

The development was therefore considered to accord with the guidance set out in the Council's Residential Design Guide SPD, and Policy BE1 of the Warwick District Local Plan.

The proposals would not breach the 45-degree line taken from windows serving habitable rooms of adjacent properties, and as a result the proposals were considered acceptable in terms of impact on light and outlook. Overall it was not considered the scheme would result in material harm through overlooking or loss of privacy to neighbours. The proposed extension was therefore considered not to result in any material harm to the amenity of the neighbouring dwellings and accorded with Policy BE3 of the Local Plan and the Residential Design Guide SPD.

Following consideration of the report and presentation, it was proposed by Councillor Ashford and seconded by Councillor Dickson that the application should be granted.

The Committee therefore

Resolved that W/21/0123 be **granted**, subject to the conditions listed below and a note advising deliveries should not take place half an hour before and half an hour after school hours.

No.	Condition
(1)	the development hereby permitted shall begin no 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) 054/03, 054/04, 054/05 and specification contained therein, submitted on 11th January 2021 and approved drawing 054/06A and specification contained therein, submitted on 15th April 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)	all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029;
(4)	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 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 residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029; and
(5)	a note advising deliveries should not take place half an hour before and half an hour after school hours.

10. **Planning Appeals Report**

Members received a report from officers outlining the existing enforcement matters and appeals currently taking place.

Resolved that the report be noted.

(The meeting ended at 6.46pm)

CHAIRMAN
22 June 2021

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
01926 456527 dan.charles@warwickdc.gov.uk

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.

Planning Committee: 22 June 2021 **Item Number: 6**

Application No: W 20 / 1887

Registration Date: 16/11/20
Town/Parish Council: Leamington Spa **Expiry Date:** 15/02/21
Case Officer: Dan Charles
01926 456527 dan.charles@warwickdc.gov.uk

3 Wise Terrace, Leamington Spa, CV31 3AS

Demolition of two houses of multiple occupancy and construction of a five storey purpose built student accommodation consisting of 17 apartments totalling 54 bed spaces and associated external works. FOR GB Investments and Cancilla Construction Ltd

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This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received.

RECOMMENDATION

Planning Committee is recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations as set out in the report.

Planning Committee are also recommended to delegate authority to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test together with alterations to the final list of conditions.

Should a satisfactory Section 106 Agreement not have been completed within 4 months from the date of Committee and there is no ongoing progress towards the satisfactory completion of the Section 106 Agreement, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

The proposal is for the demolition of two existing small HMO buildings and the erection of a single purpose-built HMO containing 54 bed spaces and set up within 17 clusters, each containing its own communal space for future occupiers.

The proposed building is a contemporary five storey building, predominantly of brick construction over the first four floors. The fifth floor is proposed to be a lightweight, fully glazed structure, set back from the perimeter walls of the site.

The fenestration proposed is to be full height glazing with feature timber panels to give the appearance of a Canalside warehouse structure.

The site backs onto the canal and it is proposed to provide a formal frontage that actively addresses the canal with an area of landscaped communal gardens adjacent to the canal tow path.

THE SITE AND ITS LOCATION

No.3 Wise Terrace is an existing HMO property located in a small cul-de-sac off Wise Street which gives access to the site from High Street which is a busy main thoroughfare with links to Warwick and the M40 to the West.

The surrounding area is predominantly a mixture of differing styles ranging from red brick facades and tiled roofs to rendered frontages and red brick facade to the side and rear with tiled roofs replicating the famous Regency Architecture.

To the North of the proposed site lies Cleary's Boxing Gym and alleyway for access to rear gardens for residential houses located on Tachbrook Road. A range of commercial premises are located along Wise Street to the North East, with various bus links around the local area including frequent routes to the University of Warwick, located on the High Street.

To the East of the site lies an existing modern block of student accommodation known as 4a Wise Terrace. This building is an 'L' shaped 5 storey block red brick block with mansard roof. The building contains 21 student bedrooms.

To the South of the site lies the Grand Union Canal that lies within Warwick District Canal Conservation Area. On the opposite side of the Canal are 3 storey residential apartments. Built in the late 1990's the fabric of these apartment blocks consists of red brick gable facades with white uPVC windows and tiled roofs.

To the west of the site is a vacant site that previously operated as a scrap metal merchant. Planning permission was granted on appeal for a 200-bedroom Purpose Built Student Accommodation block. This permission is extant. The block is proposed to be 5 storeys with an inset fifth floor under a flat roof. Proposed materials are a combination of brick and cladding.

PLANNING HISTORY

W/20/0677: Demolition of two houses of multiply occupancy and construction of five storey purpose-built student accommodation comprising 17no. apartments totalling 54 bed spaces together with all associated external works – **WITHDRAWN 12.11.2020.**

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- DS1 - Supporting Prosperity

- DS3 - Supporting Sustainable Communities
- DS5 - Presumption in Favour of Sustainable Development
- H0 - Housing
- H6 - Houses in Multiple Occupation and Student Accommodation
- 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
- 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

Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)

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
- RLS15 - Canal and Riverside Development

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection on the following grounds:

1. The size, bulk and massing of the proposed development is overdevelopment of the site which is not in line with Local Plan Policy BE1(f) nor with Neighbourhood Plan Policies RLS1 2), RLS3 c) and RLS 15 b)
2. The proposal does not create a sufficiently active frontage to the canal thus having a negative impact on the Conservation Area
3. Potential for overlooking from existing adjacent properties, having a negative impact on future residents' amenity
4. Lack of sufficient on-site parking provision as per WDC Parking Standards SPD - the experience of Althorpe Street suggests that trying to prevent student parking in surrounding streets is very challenging.

5. HMO calculation of 40.77% far exceeds the 10% threshold in Local Plan Policy H6a) Holding objection until comments are received from WCC Highways in terms of access, highway safety and parking.

The Town Council would like to see more cycle parking provision on site and better cycle access to the towpath. Also support the comments of the Police Designing out Crime Officer with regard to the development being built to the minimum standard that complies with Secured by Design (New Homes 2019) Silver and this being made a condition of this application.

WDC Policy: In the context of policy H6, it is concluded that the proposal does not positively meet all of the criteria, and specifically fails to meet criteria (a) and (d), both of which seek to achieve the stated aim of limiting concentrations of HMOs and student accommodation at both neighbourhood and localised scales. The limiting of concentrations of such uses is linked to the other stated aim of the policy, which is to prevent unacceptable impacts on amenity for the more settled residential population.

In the case of adjacent 19-21 Wise Street (17/1614), the inspector concluded that whilst the scheme did not achieve the 'letter' of the policy, it did achieve the overall aim of preventing unacceptable impact on the amenity of surrounding residents. This was based on his conclusion that the location is sustainable for students and is in a mixed-use area with little residential development. He had regard to residential development south of the canal but concluded that it was unlikely that students would have cause to walk in that direction, thus minimizing disturbance.

It is acknowledged that this proposal includes the demolition of two existing (much smaller) HMOs, in order to deliver this scheme. The principle of the use is therefore established, though the intensification of this use must be assessed. The delivery of any other type of residential development on this site would fail to meet the requirements of policy H6 criterion (c). Appropriate uses for the redevelopment of the application site may be limited by virtue of its location 'sandwiched' between existing and consented student accommodation.

Taking all of the above into account, it may be arguable that in principle, this application meets the overall aim of policy H6, whilst not achieving conformity with each of the criteria. However, the proposal represents substantial intensification of this use at both a very local, and at a neighbourhood level. Practical issues associated with more intensive development, which is located on a very narrow street should be considered in consultation with the Local Highway Authority in particular.

WDC Health and Community Protection: No objection subject to conditions regarding air quality, submission of a management plan, land contamination, noise assessment, construction management plan and plant noise.

WDC Conservation: No objection, scheme design is acceptable as agreed with last application. Recommend conditions relating to facing materials, large scale details for doors windows and details of boundary fencing.

WDC CCTV: No objection.

WDC Sport and Leisure: Recommend contribution totalling £46,235 towards local improvements to indoor and outdoor sports facilities.

WCC Highways: No objection. Require a £10,000 contribution towards sustainable transport improvements within the local area.

WCC Ecology: Satisfied with submitted survey work demonstrating limited opportunities for protected species. Recommend a range of notes and conditions to ensure there is a biodiversity net gain and species are not harmed by the proposal.

WCC Landscape: The proposed scheme indicates an enclosed communal garden adjacent to the Grand Union Canal. The majority of the external space would be hard landscaped with some tree and shrub planting. A ramped access is to lead onto the canal towpath. The boundary with the canal would be defined by a low retaining wall with railings set behind. A rectangular seating area with sculptures will be accessible from the towpath. There is a narrow, grassed verge between the development edge and the towpath. The rectangular seating area and access onto the towpath would cross over this verge.

The applicant should provide details for all proposed softworks, including species, size, and density at planting.

WCC Flood Risk Management: Details submitted demonstrate that the scheme will result in a 50% betterment over existing drainage rates. No objection subject to conditions requiring scheme to be built in accordance with the submitted drainage details.

Canal and River Trust: Potential for land stability issues. Recommend imposition of appropriate condition together with explanatory notes.

Warks Police Designing Out Crime Officer: Recommend scheme built in accordance with Secured by Design Standards.

Warks Fire and Rescue: No objection subject to fire hydrant condition.

Inland Waterways Association: Whilst not greatly enamoured by yet another student accommodation block in this part of Leamington, the Inland Waterways Association take a neutral position on this scheme. The elevation presenting to the canal frontage is just of a sufficiently high architectural standard to avoid severe criticism and the proposed rules regarding the use of cars are, if fully enforced, satisfactory in aiding traffic management on the surrounding roads. Overall, at least this is an attempt to improve a very run-down area of the old town.

Public Response: A total of 52 letters of objection and 52 letters of support received.

Objection Comments

- Breaches 10% HMO Rule as set out in H6.
- Does not meet the exceptions to Policy H6.
- Size, bulk and massing is out of character with the area and Canal Conservation Area.
- Overdevelopment of the site.
- Will result in overlooking of neighbouring properties.
- Increase harm to already poor air quality within the area.
- No car policy is impractical and unenforceable and will lead to further parking problems in the area.
- Increased strain on local services.
- No evidence that PBSA's result in less pressure on other housing.
- Not a safe area for students.
- Undermines the ability to build viable, mixed use community.
- Lack of adequate waste management.

Support Comments

- Support high quality student accommodation.
- Will return much need housing to community use.
- Close to railway station transport hub so ideally situated.
- Enhanced links to town centre through Commonwealth Games will give students safe route.
- Will improve sustainable transport links.
- High quality accommodation will attract students from all over the globe.
- Will have economic benefits for Warwickshire and particularly Leamington Spa.
- Will increase the standard of the area.
- Will improve the street and bring jobs to the area.
- Will regenerate a local eyesore.
- Will encourage the refurbishment of other derelict sites.
- Will improve the Canalside.
- PBSA's do not result in the same issues as HMO's.

Perfect location for student accommodation.

ASSESSMENT

Principle of Development

Policy RLS1(4) of the Neighbourhood Plan states that proposals for purpose-built student accommodation will be supported when positively assessed against all related development plan requirements and guidance.

Policy H6 of the Local Plan advises that planning permission will only be granted for HMO's, including student accommodation, when a number of specified circumstances are satisfied. These are set out below:-

a) The proportion of dwelling units in multiple occupation (including the proposal) within a 100m radius of the application site does not exceed 10% of total dwelling units;

b) The application site is within 400m walking distance of a bus stop;
c) The proposal does not result in a non-HMO dwelling being sandwiched between two HMO's;
d) The proposal does not lead to a continuous frontage of three of more HMO's; and
e) Adequate provision is made for the storage of refuse containers whereby –
    i. The containers are not visible from an area accessible by the general public,
    ii. The containers can be moved to the collection point along an external route only.

This proposal would satisfy points (b), (c) and (e) set out above but would not accord with (a) which relates to the concentration of HMO's within a 100m radius of the site.

In terms of point (d), the site is already occupied by HMO properties and so already does not comply with this criterion. Therefore, this application would not lead to continuous frontage, moreover it would retain the status quo of the site.

The total number of existing HMO's within a 100m radius is 74 which when assessed against the total of 201 private properties within the 100-metre radius gives an existing percentage of 36.82% of total units. The development proposes an additional 12 (cluster flats) which would increase the percentage in a 100m radius to 40.77% which greatly exceeds the recommended 10% threshold.

Policy H6 sets out two exceptions that can be made to criterion (a). These are if the proposal is on the campus of the University of Warwick or Warwickshire College, or, on a main thoroughfare in a mixed-use area where the proposal would not lead to an increase in activity along nearby residential streets. Paragraph 4.65 of the LP states that main thoroughfares will normally be defined as A and B roads and mixed-use areas defined as those with a predominance of non-residential uses.

Paragraph 4.65 of the explanatory text to H6 states that since one of the main issues with HMOs can relate to anti-social behaviour and noise on routes home from the town centre, the Policy H6 criteria are intended to allow HMOs in locations where residential areas would not be affected.

In this case, the application site is accessed off Wise Street, which is not an A or B road. However, there are no settled residents on Wise Street which is primarily a commercial area with the only residential properties being existing HMO's/student accommodation blocks. Furthermore, Wise Street is relatively short in length and is directly accessed off High Street which is an 'A' Class Road.

It is also noted that the whilst the number of properties within the 100 metre radius is 74, the majority of private residential properties that make up this figure are located to the south and south west of the site on the opposite side of the canal. Therefore, the percentage increase is as a result of these properties which would not be directly affected by this development as the properties within the immediate vicinity of the site are predominantly commercial or existing HMO's.

Whilst Wise Street/Wise Terrace is not a main thoroughfare as defined in the explanatory text to Policy H6, given that no settled residents would be disturbed on the street and the number of existing properties within the 100 metre radius that would not be directly affected, Officers consider that the proposal would accord with the aim of this element of the exception.

Within the immediate vicinity of the application site, there have been two recent appeal decisions at 19-21 Wise Street and 4a Wise Terrace which immediately abuts the application site. Both appeal decisions granted planning permission for student accommodation and are considered to represent material considerations in the determination of this application.

In both appeals, the Inspector held that the proposed developments were in accordance with Policy H6 of the Local Plan, notwithstanding the fact that there was a greater concentration of dwelling units in multiple occupation than 10% within 100m of the sites.

In reaching their conclusion, it was accepted by the Inspector that this was a mixed use area where the proposals would not lead to an increase in activity along nearby residential streets (for example, by way of pedestrian movements between the application site and the town centre or car parking).

Due to the close proximity of these appeal sites, Officers consider that it would be not be reasonable to take a different view on this matter given there have been no changes in circumstances since the earlier appeal decisions.

Management Plan

The application has been submitted with a draft Management Plan setting out how the site is to operate.

- Day time Management responsibility will be provided by a dedicated team based at Station House between 9am and 5pm dealing with matters relating to student welfare, complaints, general maintenance and repair works. The management team will include appropriately qualified security guards.
- Out of hours will be operated through an out of hour phone contact system supplemented by 2 on-site student wardens providing an on-site presence supplemented by CCTV coverage of the site.
- All students will sign a tenancy agreement setting out the rules and code of conduct together with escalating levels of enforcement if these rules are not adhered to.
- The moving in/out process will be strictly regulated to ensure that students are staggered throughout the period to prevent disruption. Students will be sent timings in advance together with an information pack about the local area.
- Car parking will only be available to a limited number of students for the spaces provided on site. All other students will sign a declaration that they will not use or park a motor vehicle within a 1-mile radius of the site and this will be subject to escalating fines.

- Regular inspections of all communal areas will be carried out to ensure the facilities are maintained to a high standard.
- A detailed refuse strategy for site waste is provided to ensure that adequate measures are in place.
- The Management Team will actively seek to engage with local tenants and residents associations and community organisations. In addition to working closely with local people, the Management Team will hold annual meetings with local residents and groups to discuss and address any issues.

The final detail of the Management Plan will be secured through the Section 106 Agreement and will be binding to ensure the site is operated and occupied in strict accordance with the measures set out in the plan.

Taking the above into consideration, Officers consider that the whilst the scheme does not fully accord with the requirement of H6, the specific nature of this proposal is such that it generally satisfies the objectives of the policy. On this basis, Officers raise no objection to the principle of development.

Design and impact on visual amenity and the character of surrounding area and impact on character of the Conservation 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.

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

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.

In addition, Policy RLS15 requires canal and riverside development to demonstrate that it has appropriately addressed a range of criteria to enhance the canal or riverside setting.

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 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.

The proposed building has been the subject of discussions between the applicants and Conservation Officer at pre-application stage. The building has been designed as a contemporary Canal side development using a predominately facing brickwork façade detailed with brick arches and full-length windows to provide an industrial warehouse aesthetic in line with the site's industrial history. A lightweight glazed façade to the top floor is set back from the main external structure.

The overall height of the building will match the existing premises at 4a Wise Terrace and the proposed adjacent premises at 2 Wise Terrace (not yet built). This will result in a radical change in the appearance of the site when viewed from the canal corridor compared to the existing with the introduction of additional 5 storey buildings to an area that is currently fairly open. However, the building has been designed to create a scale of buildings akin to the industrial heritage of Canalside properties. In Officers opinion, this will result in a series of developments that complement each other whilst reinforcing the industrial appearance of the buildings when viewed from the Canalside elevation.

The building is in line in terms of overall plan depth with 4a Wise Terrace and the building then steps forward in blocks to the point where it meets 19-21 Wise Street. This stepped appearance links the existing buildings on the site to deliver a coherent range of buildings that are complementary in terms of overall design and appearance.

On the Canalside elevation, the site provides a setback to provide communal garden areas that offers some relief between the buildings and the tow path. It also provides a soft edge with landscaping to the canal whilst providing an area of external space for future occupiers. The area is proposed to be enclosed with railings behind the existing grass verge to provide security for the occupiers whilst retaining an open aspect through the site.

As part of the proposal, a new seating area for users of the canal tow path is also proposed provided a landscaped area incorporating public art.

The scheme has been designed to meet the requirements of the Conservation status of the area and the overall scheme is considered to improve the existing appearance of the canal corridor by introducing a well-designed building that reflects the historic character and usage of the canal corridor.

Overall, the scheme is considered to represent a positive impact to the character of the area and Canal Conservation Area. The scheme is therefore considered to accord with 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 proposed building will have a side to side relationship with the adjacent properties that have fenestration predominantly to front and rear. The fenestration in the proposed building is also to the front and rear. This ensures that the development will not have a detrimental impact on the amenity of the neighbouring residents.

Directly opposite the site is a building known as 6 Wise Terrace which is a boxing gym. To the side of No. 6 is a single storey flat roof garage associated with 17 Tachbrook Road. Whilst in close proximity, the proposed building is not considered to have any detrimental impact on the amenity of these premises as the gym is not a domestic premises and the garage is an ancillary building associated with a dwelling that is set fronting onto Tachbrook Road.

Within the wider vicinity, the predominant properties are existing HMO's or PBSA Accommodation. The application site is set in an area away from private residential properties and Officers are satisfied that the distance from residential properties together with intervening features is such that there would not be any demonstrable harm to the amenity of residential properties within the area.

Overall, Officers are satisfied that the development is 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.

All bedrooms are provided with appropriate windows provided an acceptable level of light and outlook for all occupiers. In addition, the communal areas are also provided with adequate windows for light and outlook. The room sizes are also in accordance with the requirements for HMO's.

The Environmental Health Officer has recommended a range of conditions to ensure an appropriate environment is provided for future occupants of the development.

Within the site boundary, a shared communal garden space is proposed adjacent to the canal tow path to provide external amenity space for future occupiers. In addition to the on-site space provided, an off-site contribution towards open space within Leamington Spa is proposed to maintain and improve the spaces to reflect the potential for increased usage as result of this development. The final figure will be reported within the update sheet.

The scheme is therefore considered acceptable having regard to Policy BE3 of the Local Plan.

Highway Safety

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

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.

The application site is to be offered as a car-free development. This will be incorporated into a site management plan to be secured through the Section 106 Agreement.

The Draft Management Plan submitted as part of the application demonstrates how the site will be maintained as a car free development and how the site will be serviced. As the Plan is to be secured through the Section 106, it will be legally binding to ensure that it is adhered to. This will ensure that should problems occur; a mechanism is in place to rectify the issue swiftly.

The scheme has been assessed by the County Highways officer who has raised no objection to the proposal subject to the management scheme being secured. As a car-free development, the County Highways Officer has also requested a contribution towards improvements to sustainable transport links in the local area that will improve site access to the town centre.

Subject to the required Section 106 obligations, the proposal is considered acceptable having regard to Policies TR1 and TR3 of the Local 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 comprehensive assessment of Ecological features.

This has been assessed by the County Ecologist who notes and agrees that the buildings were found to offer limited opportunities to roosting bats and no evidence of bats or nesting birds was found. Notwithstanding the lack of evidence of bats or birds, the ecologist recommends that the proposed demolition works should have been carried out ideally within a year from the date of this survey. As the

survey work was carried out in April 2020, it is proposed that a condition be added to update the survey accordingly and provide mitigation is any evidence is found as a result of the additional survey work being completed.

In addition to the survey condition, it is considered appropriate to include notes relating to bats and nesting birds, as protected species.

The application site is adjacent to potential Local Wildlife Site 'Grand Union Canal'. The Ecologist has recommended that the nature of the canal, as a wildlife corridor, is considered in any landscaping next to the towpath. The canal has been already impacted on by paved landscaping and non-native planting by other applications and it is noted that the proposed plans indicate a similar landscaping proposal.

According to aerial photography the canal towpath was mostly screened in this area of Leamington by hedgerow/linear scrub. Considering this, the Ecologist has recommended that native planting (ideally native hedgerow) is planted along the boundary of the site to screen this development from the canal towpath.

The NPPF requires that new development should result in a biodiversity gain. Due to the low existing Biodiversity value of the site, an appropriate ecological and landscaping scheme can be secured via a condition to the application to ensure that this is achieved.

Due to the proximity of the site to the canal, the Ecologist has recommended that measures should be taken during construction to protect the canal by any dust deposition or chemical runoff. This can be secured by a condition.

As the site is adjacent to the canal which is used by species such as bats and otter a sensitive lighting scheme should be considered, and this can be secured by appropriate condition.

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

Section 106

The proposal will require the securing of a Management Plan. In Officers opinion, this is mostly appropriately secured through a Legal Agreement.

In addition to the Management Plan, contributions are sought towards local improvements required as a direct result of this development. These contributions are;

- Sustainable Transport Improvements - £10,000.
- Improvements to indoor and outdoor sports facilities - £46,235 (£1,634 for outdoor sport, £18,185 for indoor sport and £26,416 for grass pitches).
- Improvements to public open space - £tbc within the update sheet.

Contaminated land and environmental health impacts

The scheme has been fully considered by the Environmental Health Officer (EHO) has confirmed there are no objections and that subject to the imposition of appropriate conditions the development will not to give rise to harmful or other adverse impacts on the amenity of nearby residents, future occupiers of the site and other sensitive receptors from nearby land uses.

In terms of contaminated land, it is recommended that a condition be imposed on any forthcoming permission requiring the submission of a ground investigation strategy, report of the investigation and details of any remediation.

In terms of noise assessments, the Environmental Health Officer has recommended that a noise assessment is undertaken to ensure that the development provides an appropriate internal noise environment for future occupiers of the development. A condition is therefore recommended requiring the developer to carry out the appropriate survey and any required standard of attenuation which shall thereafter be maintained in accordance with the approved details.

Air quality/pollution has been considered against the Council's Low Emissions Strategy - A Guide for Developers document (2014). In this regard, a condition is recommended that requires the submission of a Low Emissions Strategy.

In respect of nuisance/pollution arising from demolition and construction, a condition is proposed requiring the submission of a Construction Management Plan, to control all aspects of the demolition and construction of the development.

Overall, considering all the above considerations, it is considered that the proposed development does not raise any concerns in respect of ground contamination or noise and air pollution. Subject to the imposition of appropriate conditions the development is considered acceptable in these respects and accordingly is considered to comply with Policies BE3 and NE5 of the Local Plan.

Waste Management

The development has designated covered communal bin stores located at ground floor with access to Wise Terrace. The bin store will contain 8 wheelie bins split into refuse waste and recycling.

Each communal area will be provided with bins for refuse and recycling. Details of the refuse and recycling management arrangements will be posted on a communal notice board within the ground floor entrance. Residents will also be informed of the waste and recycling strategy on moving into the residence via an information pack provided by the management team.

Students will be responsible for moving waste from the communal areas to the bin stores and the management team will inspect these areas on a weekly to ensure this is carried out.

On collection days the on-site management team will transfer the bins from the covered store to the main entrance where the Local Authority waste collection

services will remove the waste from this area. Thereafter, the emptied bins are inspected and if necessary washed down before being transported back to the bin store by the on-site management team.

The site manager will carry out daily inspections of the bin store to ensure the area conforms to hygienic regulations and minimises pest control issues.

The Waste Management Strategy forms part of the Management Plan of the site which is to be secured through a Section 106 Agreement. On this basis, Officers are satisfied that the development would be acceptable having regards to waste management.

Conclusion

The proposed development is considered acceptable in principle as it meets the exceptions set out within Policy H6 of the Local Plan.

The scheme is considered to have a positive impact on the Canal Conservation Area by providing a high-quality building that reflects the canals industrial heritage.

Site specific matters can be adequately dealt with by condition and the requirement for a Section 106 Agreement to secure off-site contributions will ensure that local infrastructure is improved to take into account the potential for increased use as a result of the development.

On the basis of the above, the application is therefore recommended for approval.

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 drawings;

- 3878-102 Rev C: Proposed Ground Floor Plan
- 3878-103 Rev A: Proposed First, Second and Third Floor Plan
- 3878-104: Proposed Fourth Floor Plan
- 3878-105 Rev A: Proposed Elevations

and specification contained therein, submitted on 16 November 2020.

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 1. No development shall take place until;

a) A desk-top study has been carried out that shall include the identification of those uses and other relevant information, and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced.

b) If identified as being necessary having completed the desk-top survey study, a site
investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. 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

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

d) 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.

4 'No part of the development hereby permitted shall commence on site until an environmental noise assessment has been carried out by a competent person and a report of that assessment together with recommendations for any necessary mitigation measures to comply with BS 8233:2014 "Sound Insulation and "World Health Organisation Guidelines For Community noise" shall be submitted to and approved in writing by the local planning authority. Thereafter the approved details shall be carried out strictly in accordance with all the recommendations contained within the approved noise report, prior to the first occupation of the development hereby permitted. Thereafter the mitigation measures shall be maintained in accordance with the approved details.'

Reason: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

5 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.

6 No development shall take place until a Method Statement detailing the design and means of construction of the foundations of the building hereby permitted, together with any other proposed earthmoving and excavation works required in connection with its construction, has first been submitted to and agreed in writing by the Local Planning Authority.

The Method Statement shall identify and incorporate any measures required to avoid the risk of adversely affecting the structural integrity of the adjacent Grand Union Canal and towpath (such as vibration monitoring during piling operations). The development shall thereafter only be carried out in accordance with the agreed Method Statement.

Reason: In the interests of avoiding the risk of creating land instability arising from any adverse impacts from foundation construction, earthmoving, excavations or other construction operations which could adversely affect the structural integrity of the adjacent Grand Union Canal and towpath in accordance with the advice and guidance on land stability contained in paragraphs 170 and 178 of the National Planning Policy Framework and in the National Planning Practice Guidance, and to comply with Policy NE7 (a) of the adopted Warwick District Local Plan 2011-2029.

7 No part of the development hereby permitted (including any works of demolition/remediation) shall commence on site until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved details. The Plan shall include / provide for:

- A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as when badgers, reptiles and amphibians are active and during bird nesting seasons);

- Persons responsible for:

i. Compliance with legal consents relating to nature conservation;
ii. Compliance with planning conditions relating to nature conservation;
iii. Installation of physical protection measures during construction;
iv. Regular inspection and maintenance of the physical protection measures and monitoring of working practices during construction;
v. Provision of training and information about the importance of Environment Protection measures to all construction personnel on site.

Reason: To ensure that protected species are not harmed by the development.

8 No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of native planting and installation of bat/bird boxes. The agreed scheme to be fully implemented before/during development of the site as appropriate.

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

9 No development (including demolition) shall commence until a further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists- Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the local planning authority. The approved mitigation plan shall thereafter be implemented in full.

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.

10 No development shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority. In discharging this condition the District Planning Authority expects lighting to be restricted around the boundary edges, in particular along the canal, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

- Lighting should be directed away from vegetated/watercourse areas
- Lighting should be shielded to avoid spillage onto vegetated/watercourse 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

The agreed scheme to be fully implemented before/during development of the site as appropriate.

Reason: To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby

properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

11 It should be ensured that there is no contamination of the watercourse either during or after development. A schedule of suitable measures to minimise detrimental run-off and ensure no net biodiversity loss in accordance with NPPF, ODPM Circular 2005/06 and to comply with guidance within the Water Framework Directive to be submitted prior to any ground clearance (including demolition). The Environment Agency can provide further details if required.

Reason: To ensure the protection of important habitats during development having regard to Policy NE3 of teh Local Plan

12 The development hereby permitted shall take place strictly in accordance with the detailed surface water drainage scheme for the site as detailed within document entitled "C7709-SMMP-01 DRAINAGE / EXTERNAL WORKS / SUDS MAINTENANCE & MANAGEMENT PLANS" and C7709 SURFACE WATER RUN OFF CALCULATIONS together with details shown on plan references and C7709-100-P1 (Drainage Strategy) and C7709-101-P0 (Flood Routing Plan), based on sustainable drainage principles, the approved FRA unless an alternative scheme is submitted to and approved in writing by the local planning authority in consultation with Warwickshire County Council Flood Risk Management. The scheme shall be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

13 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter.

Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

14 The development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved

scheme has been implemented in full in strict accordance with the approved details.

Reason: In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.

15 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.

16 No development shall be carried out above slab level unless and until large scale details of 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.

17 Prior to first occupation of the development hereby permitted, details of the proposed heating plant and their emissions shall be submitted for the approval of the Local Planning Authority. For the installation of individual gas fired boilers, these shall be low NOx models where emissions do not exceed 40mg NOx/kWh.

Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

18 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). 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 ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to

the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

19 No part of the development hereby permitted shall be occupied until a detailed waste management strategy/ plan to demonstrate that the waste from the site can be satisfactorily disposed of has been submitted to and approved in writing. Thereafter, the development shall only operate strictly in accordance with the approved plan.

Reason: To ensure an acceptable waste disposal strategy is in place for future occupants of the development having regard to Policy BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 22 June 2021 **Item Number: 7**

Application No: W 20 / 2126

Registration Date: 16/03/21
Town/Parish Council: Leamington Spa **Expiry Date:** 11/05/21
Case Officer: Dan Charles
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27 Eastfield Road, Leamington Spa, CV32 4EX
Demolition of existing dwellinghouse and of erection of replacement dwellinghouse together with associated hard & soft landscaping works FOR Mr & Mrs Darling

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This application is being presented to Planning Committee because more than 5 objections have been received.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application is for the erection of a replacement dwelling at the property known as 27 Eastfield Road, Leamington Spa.

The proposal is for the demolition of an existing modern two storey dwelling and the erection of a two storey, five-bedroom contemporary dwelling. In addition to the first-floor accommodation, mezzanines are provided within the roof space above 4 of the bedrooms to provide living space served by rooflights.

The design of the dwelling is very contemporary utilising four separate two-storey blocks, each with a dual pitched roof. The blocks are set slightly apart from each other and connected by a flat roof covered with a wildflower-based biodiverse extensive green roofing system.

The proposed house has a gross internal floor area of 353 square metres compared to 197 square metres for the existing house including the double garage.

In terms of materials, it is proposed to use a combination of white painted render and light grey facing brick together with the use of timber cladding. The existing brick boundary wall is to be retained and repaired where necessary.

Construction of the house will provide for a high level of sustainability and will be built to lifetime homes standards.

THE SITE AND ITS LOCATION

27 Eastfield Road is a modern detached two-storey dwelling consisting of single and two storey elements with areas of flat and pitched roofs. The dwelling is

located at the east end of Eastfield Road. The existing property has a parking area served from a vehicular access with space for multiple vehicles.

The road is a quiet residential cul-de-sac which appears to be a former service road serving the rear of a range of traditional properties fronting Newbold Terrace East to the South and Upper Holly Walk to the north.

The site is a substantial approximately rectangular site extending to around 90 metres east to west and 18 metres north to south.

To the north of the site are the large grounds of the modern apartment block known as Whittle Court. The rear element of the northern boundary is flanked by the rear gardens of residential properties known as The Grange, Upper Holly Walk.

To the east is the substantial rear garden area of the property, measuring approximately 65 metres from the rear elevation of the dwelling, stretching towards the rear of the properties forming a cul-de-sac of 9 dwellings on Newbold Terrace East.

To the south are the rear elevations of other properties that also front the main highway of Newbold Terrace East. Two of these properties (Nos.37 and 38) are Grade II Listed Buildings.

To the west is the carriageway of Eastfield Drive. The road has a range of modern properties that front onto the road together with outbuildings associated with the older dwellings that front onto adjacent streets.

The property is on the very edge of the Leamington Spa Conservation Area. The Conservation Area boundary seems to cut across the centre of the site with the existing house inside the boundary and the rear garden outside.

PLANNING HISTORY

W/80/1131: Erection of first floor lounge extension - Granted 13.10.1980

W/77/0243: Erection of sunlounge - Granted 24.03.1977

RELEVANT POLICIES

- National Planning Policy Framework
- DS1 - Supporting Prosperity
- DS3 - Supporting Sustainable Communities
- DS5 - Presumption in Favour of Sustainable Development
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- 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
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS2 - Housing Design
- RLS3 - Conservation Area
- RLS12 - Air Quality
- RLS13 - Traffic and Transport

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection - subject to no objection from Conservation. It would be preferable, if possible, to retain the existing boundary wall.

WDC Conservation Officer: Concern over use of bronze coloured window and door frames throughout. Recommend that a more appropriate material or finish be used for proposed finish of the timber clad bike store. Would seek a more traditional form to some elements of design to more reflect the form of buildings within the surrounding area in order to preserve the character and appearance of the conservation area. I would also recommend that the flat roofed windows/dormers to the north elevation adopt a more traditional form, or at least be reduced in scale to limit their prominence and visibility within the street scene particularly the dormer window. Recommended conditions for all external facing and roofing materials are first agreed in writing with the district planning authority to ensure an acceptable material, colour and texture is used. In addition, a condition is suggested to ensure that the large-scale details of doors, windows, eaves, verges and rainwater goods are also submitted for approval to ensure that architectural detailing is appropriate to the style and character of the host building.

WDC Arboricultural Officer: No objections in principle. Satisfied that trees to be removed offer little public amenity because of location. Given that there will be no trees within influencing distance of the proposed development there will be no need for any further arboricultural information.

WCC Landscape: No objection - I recommend that details of landscape proposals to mitigate against the loss of the trees are secured by a condition. I recommend that details of the green roof, including access for maintenance and a management plan, are secured by a condition.

WCC Ecology: Preliminary Roost Assessment submitted found property to be of negligible suitability for bats and no evidence of bats was found internally or externally. Satisfied development can continue without further survey work. Recommend Bat and Nesting Bird Notes.

Public Response: A total of 6 objections have been received making the following comments:

- Loss of privacy to rear gardens and properties due to overlooking from windows and rooflights.

- Building is significantly bigger than existing.
- Out of character with local area.
- Contrary to residential design guide.
- Harm to local wildlife.
- Proposed pedestrian access has potential to cause issues.
- Potential for harmful glare from solar panels.
- Has potential to cause access issues during construction.

ASSESSMENT

Principle of Development

Demolition of Unlisted Building in the Conservation Area

Local Plan Policy HE2 states that there will be a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area. Consent for total demolition of unlisted buildings will only be granted where the detailed design of the replacement can demonstrate that it will preserve or enhance the character or appearance of the conservation area.

The existing building is not considered to make a positive contribution towards the Conservation Area; the existing building is a relatively modern addition within the street scene, which is characterised by more traditional development, including the listed villas neighbouring the site.

The existing building is not considered to hold any particular architectural or historic quality which would warrant its retention. Therefore, the principle of the demolition is accepted, where the replacement can demonstrate that it will preserve or enhance the character and appearance of the Conservation Area. This is discussed in more detail below.

Replacement Dwelling

The application site is located within the urban area of Leamington Spa and already benefits from an existing, lawful dwelling, which would be replaced as a result of the proposed development. It is therefore considered that a replacement dwelling in this location is acceptable in principle having regard to Policy H1 directs new dwellings to the urban areas and allows for replacement dwellings.

Royal Leamington Spa Neighbourhood Development Plan (RLSNDP) Policy RLS1 states that new housing development within the Royal Leamington Spa Urban Area will be supported for custom and self-build housing provision that are acceptable when assessed against Warwick District Local Plan Policy H15.

The proposal would represent a proposal for custom build housing and as such would comply with Local Plan Policy H1.

Design and impact on visual amenity and the character of surrounding area and impact on character of the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 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 expects 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 design ethos of the proposal is based upon the service buildings located within the immediate area that are smaller scale with multiple pitched roofs with each element of a differing scale. The proposal is for a modern dwelling that provides accommodation on two floors together with second floor mezzanines areas serving the bedrooms.

The scheme design is the provision of four x two storey pitched roof structures connected by a two-storey flat roof infill element. The flat roof element creates a lightweight element that creates a visual break between the pitched roof elements to reduce the visual bulk of the dwelling. The flat roof element is also proposed to utilise a green roof to enhance the sustainability credential of the dwelling.

The Conservation Officer's comments regarding a desire for more traditional elements is noted. However, significant weight must be given to the existing dwelling which does not make a positive contribution to the conservation area. Officers consider that the proposed form of design works well in this location where the character is very mixed with no particular street scene character and the dwelling complements this varied character. The site will be visible from the length

of Eastfield Road due to the orientation of the property within the road. The design is a contemporary dwelling that has been designed to a very high standard that will offer a significantly improved street presence compared to the dwelling it replaces. Whilst a larger building in terms of footprint, the design of the building is the creation of four blocks of pitched roof accommodation linked by a two-storey flat roof infill section. The resultant appearance visually reduces the bulk when viewed from the public domain.

In terms of materials, the use of predominantly white render for the external walls of the building is considered to tie in with other properties within the local area. Whilst there is a high level of red brick usage, Officers consider that due to the unique location of the building, there is no strong precedent to match the red brick of nearby properties and a light grey brick as proposed is acceptable. It is also noted that the boundary wall will remain in red brick that ties into the local area.

The Conservation Officer has raised concern regarding reference to bronze window frames and use of timber cladding. However, the agent has confirmed that the colour of the windows is a dark grey finish and not a traditional bronze effect and has provided details to Officers to allay any concerns. Officers are therefore satisfied that this is acceptable. Officers have considered the comments regarding the cladding and having assessed the proposal are satisfied that the use is acceptable subject to the cladding being high quality.

For the avoidance of doubt, conditions are proposed to secure large scale details of all doors and windows together with materials samples of all facing materials.

Overall, the scheme is considered to represent a positive impact to the character of the area and Canal Conservation Area. The scheme is therefore considered to accord with Policies BE1 and HE1 of the Local Plan and Policy RLS3 of the Neighbourhood Plan.

Impact on the setting of the adjacent Listed Buildings

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Warwick District Local Plan Policy HE1 (protection of statutory heritage assets) states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

The application site is set to the rear of the Listed Buildings and is further separated by the carriageway of Eastfield Road. As the property is set to the rear of these buildings, Officers are satisfied that the proposed dwelling would not result in any significant impact to the character or setting of the Listed Buildings as due to the orientation and layout of the area, the buildings would not be read

together and the new dwelling would not be competing for prominence with the character of the Listed Buildings that front onto Newbold Terrace East.

Officers are therefore satisfied that the development is acceptable having regard to Policy HE1 of the Local 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 proposed building sits in a fairly unique position within the street and does not share a traditional relationship with its neighbours.

To the north, the side elevation will face onto the open grounds of Whittle Court. As this is communal space and not private garden area, Officers consider that the impact of overlooking is minimal and would not result in demonstrable harm as it is noted that the existing properties of Whittle Court already overlooks this area and the land area is significant. To the north west are the rear garden areas of properties known as The Grange, set within the grounds of Whittle Court. Due the distance separation between the proposed dwelling and these properties, Officers are satisfied that the proposal is acceptable.

To the east is the deep rear garden of the application property and the separation distance to the properties to the rear is greatly in excess of the required separation standards. Officers are therefore satisfied that this relationship is acceptable. To the west of the property is the carriageway of Eastfield Road. There are no properties along the road that would be affected by the proposal.

To the south of the site is the rear of multiple properties that front Newbold Terrace East. The distance from the boundary of the site to the rear walls of these properties is 21 metres. The first-floor side facing window is proposed to be obscure glazed to prevent overlooking. There is a full height landing window set 6 metres off the boundary which gives a total separation distance of 27 metres. Officers are satisfied that the separation distance is acceptable, and it would not be necessary to obscure glaze the window.

Concern has been raised by neighbouring residents regarding the proposed cabrio rooflights serving the mezzanine level. These form of rooflights could be installed under permitted development. It is noted that the use is also likely to be very intermittent. Considering this, Officers are satisfied that the proposal is acceptable.

Overall, Officers are satisfied that the development is 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.

All bedrooms are provided with appropriate windows provided an acceptable level of light and outlook for all occupiers. In addition, the communal areas are also provided with adequate windows for light and outlook. The room sizes are also in accordance with the requirements for HMO's.

The Environmental Health Officer has recommended a range of conditions to ensure an appropriate environment is provided for future occupants of the development.

The private external amenity space is significantly in excess of the minimum requirements set out in the SPD.

The scheme is therefore considered 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.

The site benefits from an existing vehicular access from the highway and this is to be retained as part of the new dwellinghouse. The site contains sufficient space for vehicles to enter, manoeuvre and exit in a forward gear. Sufficient parking is available for at least 3 vehicles as required by the parking standards SPD.

The proposal is considered acceptable having regard to Policies TR1 and TR3 of the Local 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 comprehensive assessment of Ecological features. This has been assessed by the County Ecologist who notes and agrees that the buildings were found to offer limited opportunities to roosting bats and no evidence of bats or nesting birds was found. The ecologist is satisfied that no further survey work is required but recommends notes relating to bats and nesting birds.

Based on the above Officers consider that the proposal is acceptable having regard to Policy NE3.

Impact on Trees

The application was submitted with an Arboricultural Assessment of the Trees within the site. A single tree has been identified to be removed and this has been considered by the Council's Arboricultural Officer who has raised no objection to its removal and has recommended no further arboricultural work is required.

Officers consider that due to the Conservation Area location, a condition for the planting of a replacement tree on the site is appropriate to mitigate for the loss of the tree.

Sustainability

One of the key benefits of the replacement dwelling is the maximisation of the sustainability credentials of the new property,

The sustainability of the development is to be improved through the reduction of cement use through the use of a timber construction method. In addition to the main structure, it is proposed to incorporate photovoltaic solar panels and battery storage to provide renewable electricity generation on site, the use of ground source or air source heat pumps for heating & hot water and a heat recovery system within the dwelling.

Charging points are also proposed for electric vehicles.

A condition will be added to ensure compliance with Policy FW3 -Water Conservation.

The applicants envisage that the energy use and sustainability credentials of the development will substantially exceed the standard set by the Code for Sustainable Homes Level 4 benchmark.

Waste Management

The property is already served by the District Councils waste collection service and this will continue without change.

CONCLUSION

The principle of development is considered acceptable for the erection of a one for one replacement dwelling within the urban boundary of Leamington Spa.

The design and appearance of the dwelling is considered to have an acceptable impact on the character and appearance of the local area and Royal Leamington Spa Conservation Area. There is no impact on highway safety or ecological features as a result of the development and details can be controlled by appropriate conditions.

The impact on the amenity of neighbouring properties has been assessed taking into consideration the comments received from third parties and Officers are satisfied that the proposal is acceptable.

Based on the above, subject to the conditions identified within the report, the application is recommended for approval.

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) 235-090 Rev B, 235-091 Rev A, 235-092 Rev A, 235-095 Rev A, 235-096 Rev A, 235-097, 235-098 and 235-099, and specification contained therein, submitted on 21 December 2020. **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 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 Policies BE1 and HE1 of the Warwick District Local Plan 2011-2029.

4 No development shall be carried out above slab level unless and until large scale details of 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.

5 Prior to the first occupation of the development hereby permitted, details of at least one appropriate replacement tree species shall be submitted to and approved in writing by the Local Planning Authority to mitigate for the loss of the tree to be removed as part of the development and the location shall be identified on a layout plan. Thereafter, the tree shall be planted within the first planting season following the first occupation of the dwelling. Should the tree) fail within the first five years after planting, they shall be replaced with an equivalent species. **REASON:** To protect and enhance the amenity of the area and in the interests of Biodiversity.

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. The dwelling shall be first 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 to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 22 June 2021 **Item Number: 8**

Application No: W 21 / 0075

Registration Date: 14/04/21
Town/Parish Council: Leamington Spa **Expiry Date:** 09/06/21
Case Officer: Thomas Fojut
01926 456539 thomas.fojut@warwickdc.gov.uk

Newark House, 17 Newbold Terrace, Leamington Spa, CV32 4EG
Erection of proposed single storey rear and side extension and erection of proposed single storey front garage extension. FOR Mr and Mrs Stokes

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This application is being presented to Planning Committee as there have been more than 5 neighbour letters of objection.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Erection of proposed single storey rear and side extension and erection of proposed single storey front garage extension.

THE SITE AND ITS LOCATION

Newark House is a three storey detached dwellinghouse located on the north side of Newbold Terrace, Leamington Spa. The property is also located within the Royal Leamington Spa Conservation Area. The existing garage is located to the rear of the dwelling with the rear of the garage adjoining the northern curtilage of the application property. The garage is also accessible via the adjoining street (Rosefield Street) for the purpose of parking a vehicle within the garage.

Dwellings within the street comprise of large Regency properties and modern purpose built flats. Jephson Gardens are also located immediately opposite the application property to the south.

Many of the Regency properties are set back from the road by either large landscaped front gardens, hard surfacing for off-street parking or a combination of the two. The modern purpose built flats are also set back from the road and comprise a significant area of grass/landscaping to the front of the buildings adjoining the street.

PLANNING HISTORY

W/77/0879 - Change of use of residential property to office use at ground and first floor level and flat at second floor. Refused September 1977.

W/76/1078 - Change of use of residential property to medical consultants facility and residential accommodation. Granted November 1976.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- HE1 - Protection of Statutory Heritage Assets

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)

Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS2 - Housing Design
- RLS3 - Conservation Area

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council - No objection.

WCC Ecology - Recommends notes relating to bats and nesting birds are attached to any approval granted.

Conservation and Design - No objection. Recommended the use of matching materials for works to the garage. Satisfied that revised proposals have addressed any previous concerns raised.

Public response - 1 support comment, 9 neighbour objections based on the following grounds:

- Proposed plans not clear - uncertain if any potential demolition, height increase and proposed materials;
- Objects to proposed new entrance onto Rosefield Street;
- Negative impact on the Conservation Area;
- Additional traffic and parking pressure;
- Compliance with planning policies.

ASSESSMENT

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

- Design of the proposed extension and impact on the character of the area and street scene, including the character and appearance of the Conservation Area;
- Impact on the amenity of neighbouring uses;
- Ecology

Design of the proposed extension and impact on the character of the area and street scene, including the character and appearance of the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a conservation area. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 195 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or if criteria listed within the policy have been satisfied. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design.

The Conservation Officer initially had no objection to the proposals. They recommended the use of matching materials for works to the garage and considered the work proposed would cause no adverse impact to the appearance and character of the conservation area.

Three sets of revised drawings were submitted for the garage. The final amendments included the removal of the brick staircase and entry door to the first floor, the existing gable window was reinstated as existing and the existing panel fencing and foliage was also retained. A revised drawing of the existing floor plans and elevations of the garage was also submitted, showing photographs of the existing fencing and foliage above the boundary wall which backs onto Rosefield Street. This has also been added to the existing elevations on the revised drawing.

As amended, it is considered that the proposals for both extensions are in keeping with the character and appearance of the application property and Conservation Area. The proposals are therefore in accordance with the NPPF and Local Plan Policies HE1 and BE1 and the corresponding policies in the Neighbourhood Plan.

Impact on the amenity of neighbouring uses

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states that extensions should not breach a 45-degree line taken from the nearest habitable room of a neighbouring property. This serves to protect against loss of light and outlook.

9 neighbour objections were made to the original proposals. All of the 9 objections made were regarding the proposed rear window on the first floor of the garage and the loss of privacy and overlooking. Additional concerns made related to the following issues, it is worth noting that all the objection comments were related to the garage proposals:

- Proposed plans not clear - uncertain if any potential demolition, height increase and proposed materials;
- Objects to proposed new entrance onto Rosefield Street;
- Negative impact on the Conservation Area;
- Additional traffic and parking pressure;
- Compliance with planning policies.

The objection comments made in relation to the proposed rear window on the first floor of the rear garage are a material planning consideration and as originally submitted were considered to cause overlooking and a loss of light, outlook and privacy. Following the submission of all the revised proposals, the proposed first floor window on the rear of the garage has been removed back to the existing hayloft door. It is therefore considered that these objections have been addressed.

With regards to the other objection comments made, these have been noted. Following the most recent revised proposals being submitted, whilst some of these are material considerations, it is considered that none of these comments would justify the refusal of planning permission for the following reasons:

- Proposed plans not clear - The revised proposals shows that there is no demolition, no height increase to either the house or garage, and the proposed materials have been amended to be matching materials.
- Objects to proposed new entrance onto Rosefield Street - This is not considered to negatively impact the character and appearance of the Conservation Area. It is also worth noting this would not require planning permission therefore has not been included in the description of development.
- Negative impact on the Conservation Area - The revised proposals are considered to have addressed any previously related concerns made by the Conservation Officer.
- Additional traffic and parking pressure - No additional bedrooms or car parking spaces are proposed. The plans for the upper floor of the garage show a home office which will be used by the applicant.
- Compliance with planning policies - The revised proposals are considered to comply with all relevant local and national planning policies.

The revised proposals will not breach the 45-degree line from windows serving habitable rooms of adjacent properties, and as a result the proposal is considered acceptable in terms of impact on light and outlook. Overall it is not considered the scheme would result in material harm through overlooking or loss of privacy to neighbours. The proposals are therefore considered not to result in any material harm to the amenity of the neighbouring dwellings.

It is considered that the development will comply with Warwick District Local Plan Policy BE3.

Ecology

The Ecology Department at Warwickshire County Council have recommended notes relating to bats and nesting birds are attached to any approval granted.

Summary

The development proposals are considered to be in keeping with the character and appearance of the property and the surrounding Conservation Area. In addition, the proposals are not considered to present a harmful impact upon the amenity of the neighbouring properties in relation to outlook and amenity. The proposals are in accordance with the aforementioned policies and it is therefore recommended for approval.

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) 1525-0500-04 and specification contained therein, submitted on 15th January 2021. Approved drawing(s) 1525-0501-08 and specification contained therein, submitted on 7th June 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 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

4 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 (apart from any shown on the approved drawings) shall be formed in the north facing elevation of the first floor rear garage 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.