Planning Committee
Tuesday 20 July 2021

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Tuesday 20 July 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 meetings held on

a. 19 May 2021 **(Pages 1 to 4)**
b. 20 May 2021 **(Pages 1 to 10)**
c. 22 June 2021 **(Pages 1 to 17)**
d. 23 June 2021 **(Pages 1 to 6)**

Part B – Planning Applications

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

5. **W/20/1887 – 3 Wise Terrace, Royal Leamington Spa (Pages 1 to 22)**
Major Application

6. **W/20/0808 – Land North of Rosswood Farm, Coventry Road, Baginton, Coventry (Pages to 27)**
Major Application

7. **W/20/1847 – Rosedale, Main Street, Eathorpe, Royal Leamington Spa (Pages 1 to 9)**

8. **W/20/2121 – 47 Kingsway, Royal Leamington Spa (Pages 1 to 4)**

9. **W/20/2144 – 24 Kenilworth Road, Royal Leamington Spa (Pages 1 to 16)**

10. **W/21/0332 – 7 Cape Road, The Cape, Warwick (Pages 1 to 3)**

11. **W/21/0368 – 21 Vine Lane, Warwick (Pages 1 to 7)**

12. **Public and Press**

To consider resolving that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following items by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Item Numbers	Paragraph Numbers	Reason
13	5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

13. **Minutes**

To confirm the confidential minutes of the meeting held on 19 May 2021 **(Pages 1 to 4)**

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 Wednesday 19 May 2021 at the Town Hall, Royal Leamington Spa at 6.00pm.

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

Also Present: Principal Committee Services Officer – Lesley Dury; Legal Advisor – Max Howarth; Manager, Development Services – Gary Fisher; Principal Planning Officer – Dan Charles and from Warwickshire County Council Highways Department – David Pilcher.

11. **Apologies and Substitutes**

(a) there were no apologies for absence made; and

(b) there were no substitutions.

12. **Declarations of Interest**

Minute Number 15 – W/21/0590 – Land South of Chesterton Gardens, Royal Leamington Spa

Councillor Heath declared an interest because the application site was in his Ward. He was not pre-determined and would listen to arguments for and against the application.

Councillor Jacques declared an interest because when the previous application for this site had been considered by the Committee, he had recused himself for reasons stated in those minutes concerning a site visit he had made independently and people he had spoken on that occasion. He had taken advice for this meeting and could assure everyone that he would approach this new application with an open mind and listen to all points of view.

13. **Site Visits**

To assist with decision making, Councillor Boad had visited the following application site independently on Monday 17 May 2021:

W/21/0590 – Land South of Chesterton Gardens, Royal Leamington Spa.

14. **Public and Press**

Resolved that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the paragraph 5 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minute No.	Para No.	Reason
15	5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

15. **W/21/0590 – Land South of Chesterton Gardens, Royal Leamington Spa**

The full minute of Minute 15 would be contained within a confidential minute which would be considered for publication following the implementation of the relevant decisions. The meeting resumed public session at 6.35pm.

The Committee considered an outline application from AC Lloyd (Homes) Limited for a residential development of up to 200 dwellings with associated access, landscaping, and public open space.

The application was presented to Committee because of the number of objections received, including from Royal Leamington Spa Town Council.

The officer was of the opinion that the application site was allocated within the Local Plan for residential development as part of allocation H03 which identified approximately 500 dwellings for the wider area of the site and formed a first phase of development pending further negotiations into the second access point.

The development was only in outline form at this stage but the indicative site plan demonstrated that the site was capable of accommodating a very high quality scheme of up to 200 dwellings which was acceptable in overall terms including in respect of the integration of built development within the surrounding landscape and the site provided additional benefits in securing an appropriate highway linkage to the adjacent site to provide a comprehensive development across the overall allocation.

The indicative Masterplan demonstrated that the scheme retained existing green features and delivered a high quality environment with accessible sustainable transport links to the surrounding areas together with areas of open space that were in excess of the requirements set out within the Open Space SPD.

In the opinion of officers in conjunction with their technical consultees from Environmental Health and Warwickshire County Highways, the reasons for refusal had been satisfactorily mitigated and subject to the required conditions, notes and Section 106 Obligations, no technical objection was raised to these matters.

For the above reasons, officers recommended that outline planning permission should be granted subject to the conditions and the signing of a Section 106 Agreement.

An addendum circulated at the meeting advised that condition 7 had been amended, as had other conditions where necessary prior to the submission of reserved matters rather than commencement of development to ensure that any required survey work was carried out that may influence the final design and layout of the scheme. Two additional letters of objection had been received reiterating comments already received and stated within the report and a comment letter had been received raising concerns regarding the protection of Protected Species and Ecological Matters associated with the development.

The following people addressed the Committee:

- Councillor Janet Alty, speaking in objection on behalf of Royal Leamington Spa Town Council;
- objectors - Elizabeth White, Sheila Cooper (on behalf of CPRE Warwickshire), Matt Western MP and Dawn Cowgill; and
- supporters –David Green and Des Wynne; and
- District Councillor Mini Mangat, objecting.

Planning officers advised Members that AC Lloyd had offered some mitigations to help existing residents. They had offered to provide window glazing that would give more sound proofing to existing residents and mechanical trickle vents and this would be secured under the existing S106 agreement. Ways for a resident to communicate the nuisance they were suffering could be set up and there was a traffic calming scheme. The applicant would be willing to work to minimise traffic disruption during the construction phase.

Councillor Heath remarked that if the appeal the applicant had already lodged from the application that had been refused in February was successful, then if this application was refused, all the new mitigations that had been offered with the new application would be lost.

However, some Members remained unconvinced that the changes were sufficient in this new application and that the ongoing noise was still a concern and that a second access route was required as soon as possible. Residents would be affected by a loss of amenity and the mitigation measures did not go far enough. There would be a loss of permanent amenity, not just in the construction phase.

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 Murphy that the application should be refused contrary to the recommendation in the report.

Councillor Heath requested a that the vote be recorded, and this was supported by Councillors Ashford and Dickson. Each Councillor was asked in turn to call out their vote.

Recorded Votes:

Councillor	**For Refusal**	**Against Refusal**
Ashford	X	
Boad		X

Councillor	For Refusal	Against Refusal
Cullinan	X	
R Dickson		X
Heath		X
Jacques	X	
Kennedy	X	
Leigh-Hunt		X
Morris	X	
Murphy	X	
Tangri	X	
Totals	**7**	**4**

The Committee therefore

Resolved that W/21/0590 be **refused** for the following reasons:

No.	Refusal Reasons
(1)	the allocated housing site H03 was identified in the Local Plan as being subject to access; and
(2)	policy BE3 – loss of amenity to existing residents.

(The meeting ended at 8.38pm)

CHAIRMAN
20 July 2021

Planning Committee

Minutes of the meeting held on Thursday 20 May 2021 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Also Present: Democratic Services Manager – Graham Leach; Legal Advisor – Caroline Gutteridge; Business Manager – Development Manager – Sandip Sahota; and Head of Development – Philip Clarke.

16. **Apologies and Substitutes**

(a) there were no apologies; and

(b) Councillor Skinner substituted for Councillor Cullinan.

17. **Declarations of Interest**

There were no declarations of interest made.

18. **Site Visits**

There were no arranged site visits made by the Committee but Councillors Boad, Dickson and Jacques independently visited the site of W/21/0256 – The Old Golf Shop and Golf Course, Newbold Comyn Park, Newbold Terrace East, Royal Leamington Spa.

19. **Minutes**

The minutes of the meeting held on 27 April 2021 were taken as read and signed by the Chairman as a correct record.

20. **W/21/0256 – The Old Golf Shop and Golf Course, Newbold Comyn Park, Newbold Terrace East, Royal Leamington Spa**

The Committee considered an application from Warwick District Council for the redevelopment of an existing disused golf course to create cycle tracks designed for all ages and capabilities, together with alterations to the existing old golf shop and clubhouse to create cycling hub together with external landscaping works

The application was presented to Committee because of the number of objections received and the applicant was Warwick District Council.

The officer was of the opinion that proposal was considered to be appropriate development within the Green Belt and would not have a harmful impact on the character and amenity of the area or highway safety. Furthermore, it was considered that the matters relating to protected species and detailing could be secured by condition.

An addendum circulated prior to the meeting advised that additional consultation responses had been received from Councillor Cullinan and

Royal Leamington Spa Town Council, and there had been further letters of objection and of support. The addendum also proposed an additional condition in requiring written approval of the design of the progressive jump area prior to commencement of works on this aspect

The following people addressed the Committee:

- Kate Pittel, Ian Hamilton, Richard Ashworth and Jennie Johnson, speaking in objection;
- Peter Davies, Andrew Robson, Mark Vernon and Bruno Eurich speaking in support; and
- Councillor Geraldine Cullinan, District Councillor, speaking in objection.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Jacques and seconded by Councillor Ashford that the application should be granted, subject to the conditions in the report, the additional condition in the addendum and two further conditions, which would need to be discharged in consultation with the Chairman, in respect of (1) an access statement for walking and cycling to the site and (2) a management plan in respect of potential conflicts between different users in the area.

The Committee therefore

Resolved that W/21/0256 be **granted** subject to:

(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) 5192555-ATK-XX-00-DR-BS-009, 5192555-ATK-XX-00-DR-BS-010 – 016, 5192555-ATK-XX-00-DR-BS-010 REV P01, 5192555-ATK-XX-00-DR-BS-011 REV P01, 5192555-ATK-XX-00-DR-BS-012 REV P01, 5192555-ATK-XX-00-DR-BS-013 REV P01, 5192555-ATK-XX-00-DR-BS-014 REV P01, 5192555-ATK-XX-00-DR-BS-015 REC P01, 5192555-ATK-XX-00-DR-BS-016 P01, 5192555-ATK-XX-00-DR-BS-017, 5192555-ATK-XX-XX-DR-LA-401001. TWC-1312-D-001. TWC-1312-D-002, and specification contained therein, submitted on 10 February 2021 and 20-012 (07)001 D5, and specification contained therein, submitted on 10 February 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) the development hereby permitted shall not commence until a Landscape & Ecological Management Plan (LEMP) in accordance with the British Standard on Biodiversity BS 42020:2013 (see attached note) has been submitted to and approved in writing by the Local Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, tree/hedgerow planting, provision of habitat for protected/notable species. Such approved measures shall thereafter be implemented in full.

Reason: To ensure a net biodiversity gain in accordance with NPPF*;*

(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 into place. The approved measures must remain in place for the duration of demolition and construction works. The proposals must refer to all the trees within the site as well as those highway trees that will 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) 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, along hedgerows, around known bat roosts and badgers setts, 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:

a) type of lamp used
b) the brightness of lights should be as low as legally possible
c) lighting should be timed to provide some dark periods
d) 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 appropriate measures are taken in relation to protected species;

(6) the development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) in accordance with the British Standard on Biodiversity BS 42020:2013 (see attached note) has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition, appropriate working practices and safeguards for habitats, such as the Veteran Trees, LWS's/LNR's, woodlands, ponds, hedgerows and trees, to be employed whilst works are taking place on site. The access and compound area should be allocated and illustrated in a site layout within the plan. The agreed CEMP shall thereafter be implemented in full.

Reason: To ensure that protected species and habitats to be retained are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005;

(7) 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 walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing

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;

(8) no development on each phase shall take place until:

a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority for that phase.
b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken for that phase. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.
c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority for that phase. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved

and protected were applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

(9) 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 a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029; to ensure that the rural character and appearance of the barn(s) is protected, in accordance with Policies BE1 and BE4 of the Warwick District Local Plan 2011-2029;

(10) 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 a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029;

(11) new roofing material proposed for the development hereby permitted shall be handmade clay roof tiles.

Reason: To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029;

(12) all rainwater goods for the development hereby permitted shall be comprised in cast metal.

Reason: To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029;

(13) mortar used for repointing should be lime-based mixed with sands and aggregates to match the colour and texture of existing historic mortar.

Reason: To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029;

(14) no development shall commence until a Protected Species Contingency Plan has been submitted to and approved in writing by the planning authority. The plan shall include:

a) Further bat surveys of the building and trees in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out.
b) Further Great Crested Newt Surveys to be carried out by a suitably qualified ecologist.
c) Reptile Surveys to be carried out by a suitably qualified ecologist.
d) A updated badger survey carried out by a suitably qualified badger consultant.

The results of the surveys to be submitted to and approved in writing by the District Planning Authority. If appropriate a detailed mitigation plans including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full. Note: The outcomes of the surveys may have implications for the design and/or layout of the development)

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

(15) within 12 months of occupancy a scheme ("the scheme") shall ensure that there is no net biodiversity loss as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity offsetting metric as applied in the area in which the site is situated at the relevant time and the scheme shall include:

i. Proposals for on-site mitigation (full details of which will be provided in relation to each phase of development in

accordance with Condition X of these conditions) and/or for off-site offsetting;

ii. A methodology for the identification of any receptor site(s) for offsetting measures;

iii. The identification of any such receptor site(s);

iv. The provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and

v. A management and monitoring plan (to include for the provision and maintenance of any offsetting measures in perpetuity).

The written approval of the Local Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme shall be implemented in full accordance with the requirements of the scheme or any variation so approved.

Reason: To ensure a net biodiversity gain in accordance with NPPF;

(16) the "Progressive Jump Area" shown on the Proposed Trails Plan shall not commence unless and until full details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in strict accordance with the approved details

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;

(17) an access statement to make clear provision for access to the site by foot or cycle which must be approved in writing by the Planning Authority in consultation with the Chairman of Planning Committee; and

(18) a Management plan in respect of responding to potential conflicts between different users of the area which must be approved in writing by the Planning Authority in consultation with the Chairman of Planning Committee.

21. **W/20/2035 – 9 Camberwell Terrace, Royal Leamington Spa**

The Committee considered a retrospective application from Mr Pangli for the formation of a front lightwell and the erection of a low brick wall.

The application was presented to Committee because of the number of objections received.

Officers considered the application constituted good quality design which had an acceptable impact on the character of the street scene and the conservation area. The lightwell was considered to appear sufficiently subservient and the wall was of a similar appearance to the original wall. The scheme of works was considered to preserve the character and appearance of the conservation area. With the imposition of the recommended condition, the development had an acceptable impact on amenity. The application was recommended for approval on the basis that it complied with all of the aforementioned Local Plan Policies, the relevant sections of the NPPF and Planning Act 1990 and policy RLS3 of the Royal Leamington Spa Neighbourhood Plan.

An addendum circulated prior to the meeting confirmed the position with regard to House in Multiple Occupation Licence requirements, a correction of a paragraph of the report and the response of no objection from Royal Leamington Spa Town Council, subject to a condition.

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

The Committee therefore

Resolved that W/20/2035 be **granted**, subject to the conditions listed below.

(1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) and specification contained therein, 200515 P01 R7 and 200515 P03 R7 submitted on 7th December 2020, and 200515_P02_R8 submitted 25th 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; and

(2) the basement conversion facilitated by the lightwell hereby permitted shall not be used as a 'habitable room', which includes dining room, lounge, kitchen, study and bedroom. **Reason:** To ensure adequate amenity is provided for current and future occupiers of the application property and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.

(The meeting ended at 7.25pm)

CHAIRMAN
20 July 2021

Planning Committee

Minutes of the meeting held on Tuesday 22 June 2021 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Also Present: Principal Committee Services Officer – Lesley Dury; Legal Advisor – Max Howarth; Manager – Development Services – Gary Fisher; and Principal Planning Officer – Dan Charles.

22. **Apologies and Substitutes**

(a) Apologies were received from Councillor Tangri; and

(b) there were no substitutions.

23. **Declarations of Interest**

There were no declarations of interest made.

24. **Site Visits**

Councillor Jacques made independent site visits to the following application sites:

- W/20/1606 – Falstaff Hotel, 16-20 Warwick New Road, Royal Leamington Spa
- W/20/2126 – 27 Eastfield Road, Royal Leamington Spa
- W/21/0075 - Newark House, 17 Newbold Terrace, Royal Leamington Spa

25. **Minutes**

The minutes of the meeting held on 18 May 2021 were taken as read and signed by the Chairman as a correct record.

26. **W/20/1887 – 3 Wise Terrace, Royal Leamington Spa**

The application was withdrawn from the agenda to enable further publicity to be undertaken.

27. **W/20/1606 – Falstaff Hotel, 16-20 Warwick New Road, Royal Leamington Spa**

The Committee considered an application from Turnbrook Limited for the patrial demolition and internal and external alterations to facilitate the conversion of an existing hotel to 27 residential apartments, together with associated car parking and landscaping works.

The application was presented to Committee because of the number objections received, including from Leamington Spa Town Council.

It was considered that the principle of development was acceptable having regard to Policy H1 of the Local Plan.

The Viability Assessment had been scrutinised by an independent specialist who had 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 was proposed.

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

Matters relating to Highway Safety, Ecology and Drainage could be mitigated through appropriate conditions. Therefore, officers recommended that the application should be granted.

An addendum circulated prior to the meeting advised of the following revisions to the wording of conditions:

- Condition 5 to be reworded for "*Prior to any undertaking any external hard or soft landscaping works…"*
- Condition 8 to relate to just foul water and not surface water as written.
- Condition 9 to be reworded to "*Prior to installation, details of any external lighting to be submitted and approved*…".

A request had been made for a Viability Assessment, but the information was commercially sensitive information so therefore it would not be published on the website.

Following consideration of the report presentation, and information contained in the addendum it was proposed by Councillor Jacques and seconded by Councillor Dickson that the application should be granted, subject to an additional condition for the submission of a scheme to demonstrate how thermal efficiency standards would be met to conform with Local Plan Policy CC1.

The Committee therefore

Resolved that W/20/1606 be **granted**, in accordance subject to the following conditions.

No.	**Condition**
(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);

No.	Condition
(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

No.	Condition

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; and

(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) Prior to any undertaking any external hard or soft landscaping works a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority.

No.	Condition
	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

No.	Condition

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; and
- the development of a method statement detailing the remediation requirements.

No.	Condition
	(2) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken;
	(3) All development of the site shall accord with the approved method statement;
	(4) 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; and
	(5) 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 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

No.	Condition
	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)	Prior to the installation of any external lighting, 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; and • Connections to areas important for foraging should contain unlit stretches. **Reason:** In accordance with NPPF, ODPM Circular 2005/06;

No.	Condition
(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;

No.	Condition
(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

No.	Condition
	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

No.	Condition
	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-streetcar 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; and
(21)	an additional condition for the submission of a scheme to demonstrate how thermal efficiency standards would be met to conform with Local Plan Policy CC1.

28. **W/20/2126 – 27 Eastfield Road, Royal Leamington Spa**

The Committee considered an application from Mrs Darling for the demolition of an existing dwelling house and the erection of a replacement dwelling house, together with associated hard and soft landscaping works.

The application was presented to Committee because of the number of objections received.

It was considered that the principle of development was acceptable for the erection of a one for one replacement dwelling within the urban boundary of Royal Leamington Spa.

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

The impact on the amenity of neighbouring properties had been assessed, taking into consideration the comments received from third parties and officers are satisfied that the proposal was acceptable.

Therefore, subject to the conditions identified within the report, it was recommended that the application should be approved.

Additional photographs had been sent in to support the application.

Councillor Heath noted that the information about the trees to be removed was at odds with the information in the report which stated that only one tree was to be removed. The Planning Officer confirmed that the report was incorrect and a small group of trees was to be removed. Members requested that Condition 5 should be amended to ensure that there was no net loss of trees on the site.

An addendum circulated prior to the meeting advised Members of a letter received from a neighbouring property, submitted on behalf of existing objectors. The letter raised concerns about the access to the rear of the properties at Newbold Terrace East, the access to Eastfield Road, the scale of the property if the application was approved, the loss of established trees and screening, and the overlooking of a full height first floor window on the landing which would provide a view directly into the garden, ground floor and bedroom of 40 Newbold Terrace East, and the ground floor apartment kitchen and first floor apartment bedroom of 39 Newbold Terrace East.

Following consideration of the report, presentation and information contained in the addendum, it was proposed by Councillor Heath and seconded by Councillor Dickson that the application should be granted.

The Committee therefore

Resolved that W/20/2126 be **granted**. Prior to issuing the decision, officers are to liaise with the Council's Waste Management Team to clarify the waste storage / refuse collection proposals and update the Chairman on the outcome of those discussions, including the need for a further condition in that respect.

Conditions:

No.	Condition
(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

No.	Condition
	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 for each tree removed as a result of the development 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;
(7)	a condition for obscured glazing of the proposed full height window facing south to ensure privacy in neighbouring gardens;
(8)	a condition to secure details of the green roof, including access for maintenance and a management plans; and
(9)	a condition for a construction management plan identifying how the building will be

No.	Condition
	constructed without causing harm to properties and loss of access.

29. **W/21/0075 – Newark House, 17 Newbold Terrace, Royal Leamington Spa**

The Committee considered an application from Mr and Mrs Stokes for the erection of a proposed single storey rear and side extension and the erection of a proposed single storey front garage extension.

The application was presented to Committee because of the number of objections received.

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

An addendum circulated prior to the meeting advised Members of a further comment received concerning the perceived loss of privacy and overlooking with the first-floor rear garage window.

Following consideration of the report, presentations and information contained in the addendum, it was proposed by Councillor Kennedy and seconded by Councillor Dickson that the application should be granted.

The Committee therefore

Resolved that W/21/0075 be **granted**, subject to the below conditions.

No.	Condition
(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

No.	Condition
	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; and
(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.

(The meeting ended at 7.34pm)

CHAIRMAN
20 July 2021

Planning Committee

Minutes of the meeting held on Wednesday 23 June 2021 in the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors Ashford, Cullinan, Davison, R. Dickson, Heath, Jacques, Leigh-Hunt, Matecki, and Murphy.

Also Present: Committee Services Officer – Rob Edwards; Legal Advisor – Caroline Gutteridge; Business Manager – Development Manager – Sandip Sahota; and Planning Officer – Andrew Tew.

30. **Apologies and Substitutes**

(a) there were no apologies and

(b) Councillor Matecki substituted for Councillor Morris and Councillor Davison substituted for Councillor Kennedy.

31. **Declarations of Interest**

There were no declarations of interest made.

32. **Site Visits**

W/21/0017 – Clapham Street, Royal Leamington Spa

Councillor Cullinan made an independent visit to this application site.

W/20/1975 – 6 Lower Ladyes Hill, Kenilworth

Councillors Dickson and Jacques had made independent site visits to this application site.

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

Councillors Cullinan and Jacques made an independent site visit to this application site.

33. **W/21/0017 – 17 Clapham Street, Royal Leamington Spa**

The Committee considered an application from Mr Schofield and Mr Russell for the erection of a single storey side/rear extension after the demolition of the existing timber-framed garden room.

The application was presented to Committee because the application was submitted on behalf of a local Councillor.

It was considered that the proposal had been designed in a way which suitably reflected the traditionally open nature of the courtyard space, while retaining and respecting the character of the traditional rear wing arrangement of this property type. The new extension was considered to enhance the appearance of the rear of the dwelling, through the

replacement of a somewhat tired existing lean-to conservatory with an appropriately designed new one. The proposal would result in no material harm to the special architectural and historical character of the wider Conservation Area, aligning where appropriate with the relevant design principles set out in the WDC Residential Design Guide SPD. As a result, the proposal was considered to lie in accordance with the aforementioned policy, and it was recommended that the application be granted.

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

The Committee therefore

Resolved that W/21/0017 be **granted**, subject to the below conditions.

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 '02004-P01' submitted on the 6th January 2021, approved drawing '02004-P03 Rev.A' submitted on the 2nd June 2021, and specification contained therein. **Reason**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
(3)	except for those detailed as painted, all facing bricks used in the construction of the replacement lean-to element of the scheme hereby permitted shall be reclaimed and 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.

34. **W/20/1975 – 6 Lower Ladyes Hills, Kenilworth**

The Committee considered a part retrospective application from Mr Robins for the formation of a driveway.

The application was presented to Committee because more than five comments of support were received, and the application was recommended for refusal.

It was considered that the creation of an access in the proposed location on Manor Road would lead to an increase in reversing vehicular movements adjacent to the junction with nearby Tainters Hill. The Highway Officer had noted that vehicle speeds at the southern boundary of the application site were close to the posted speed limit of 30 MPH and therefore such manoeuvres in this location would have safety implications for other road users.

Furthermore, it was considered that the proposal did not provide sufficient inter-visibility between drivers and pedestrians, thus similar concerns over the safety of the proposal were raised.

The concerns raised by the Highway Officer were shared by Kenilworth Town Council, several neighbours, as well as Planning Officers.

The officer was of the opinion that the application failed to satisfy the criteria of Local Plan Policy TR1 and was therefore unacceptable in highway safety terms. For this reason, the application was recommended for refusal.

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

The Committee therefore

Resolved that W/20/1975 be **refused** because Warwick District Local Plan Policy TR1 states that development will only be permitted which provides safe, suitable and attractive access routes for pedestrians, cyclists and users of motor vehicles. Proposals will be expected to demonstrate that they are not detrimental to highway safety.

In the opinion of the Local Planning Authority, the formation of an access in the proposed location on Manor Road will lead to an increase in reversing vehicular movements adjacent to the junction with Tainters Hill. Vehicle speeds at the southern boundary of the application site are close to the posted speed limit of 30 MPH, and such manoeuvres in this location are likely to have safety implications for other road users.

Furthermore, it is considered that the proposal fails to provide sufficient inter-visibility between drivers and pedestrians, which poses highway and pedestrian safety concerns.

The development is therefore considered to be contrary to the policy.

35. **W/20/1991 – 34 Oakley Wood Road, Bishop's Tachbrook**

The Committee considered an application from Mr Mortimer for the erection of a single storey rear extension, a new front porch and carport fill extension and a garage conversion.

The application was presented to Committee because an objection had been received from Bishops Tachbrook Parish Council.

The officer was of the opinion that the application was acceptable and considered to comply with Local Plan Policies HE1, BE1, BE3, TR3 and NE2, and was therefore recommended for approval.

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

The Committee therefore

Resolved that W/20/1991 be **granted**, subject to the following conditions.

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) 14/01/2020 06 A, 14/01/2020 07 A, 14/01/2020 08 A, 14/01/2020 09 A, and specification contained therein, submitted on 21st 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; and
(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.

36. **W/20/1464 – Shires Gate Trade Park, Unit 1, Tachbrook Park Drive, Warwick**

The Committee considered an application from JPP for a new vehicular access point, fencing and internal remedial works for site security.

The application was presented to Committee because of the number of objections received.

The officer was of the opinion that the proposed access was not considered to pose harm to highway or pedestrian safety and would have an acceptable impact in visual and amenity terms. The development was therefore recommended for approval.

Following consideration of the report and presentation, it was proposed by Councillor Matecki and seconded by Councillor Murphy that the application should be granted, subject to an amendment to condition 4 that HGV Vehicles shall only be permitted to use the access hereby approved between 07:30 and 19:00 on Monday to Saturday and 09:00 and 17:00 on Sunday, and the gates to be shut outside those times.

The Committee therefore

Resolved that W/20/1464 be **granted**, subject to the below conditions.

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) 21827-P03A, 21827-P04A and 21827-P07A and specification contained therein, submitted on 03 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)	the access to the site for HGV's shall not be used unless public highway verge crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** To ensure highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and

No.	Condition
(4)	HGV Vehicles shall only be permitted to use the access hereby approved between 07:30 and 19:00 on Monday to Saturday and 09:00 and 17:00 on Sunday, and the gates to be shut outside those times. **Reason:** To ensure there is no unacceptable disturbance to the detriment of the amenities of nearby residents in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

(The meeting ended at 6.53pm)

CHAIRMAN
20 July 2021

Planning Committee: 20 July 2021 **Item Number:** 5

Application No: W 20 / 1887

Registration Date: 16/11/20
Town/Parish Council: Leamington Spa **Expiry Date:** 15/02/21
Case Officer: Dan Charles
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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 multiple 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 56 letters of objection and 53 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.
- Space is far too small for multi-storey development.
- 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.
- Will create a wind tunnel along the canal making it dangerous for cyclists, walkers and boaters.
- Detrimental impact on canal-side amenity for all users.
- Will result in anti-social behaviour when not in use by students.
- There should be no student developments during the pandemic unless close to the university campus.

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.

Is in keeping with the surrounding area.

ASSESSMENT

Procedural Note

The application was deferred from the committee on 22 June 2021 to enable the scheme to be advertised as a Departure from the Development Plan. The advertisement was placed in the local newspaper on 25 June 2021 and a site notice

was displayed adjacent to the site on 28 June 2021 in accordance with the Regulations.

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: 20 July 2021 **Item Number:** 6

Application No: W 20 / 0808

Registration Date: 16/06/20
Town/Parish Council: Baginton **Expiry Date:** 15/09/20
Case Officer: Helena Obremski
01926 456531 Helena.Obremski@warwickdc.gov.uk

Land north of Rosswood Farm, Coventry Road, Baginton, Coventry, CV8 3AD

Full application for the proposed development of 56 no. affordable dwellinghouses, consisting of mixed tenure of Social Rent and Shared Ownership on land adjacent to Coventry Road, Baginton. FOR Bowsall Developments Ltd and Platform Housing Group

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This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a unilateral undertaking to secure the agreed financial contribution in relation to biodiversity offsetting, improved bus facilities and road safety initiatives.

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 unilateral undertaking including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test.

Should a satisfactory unilateral undertaking not have been completed by 17th August 2021, 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

This is a full planning application for the proposed development of 56 no. affordable dwellinghouses, consisting of mixed tenure of Social Rent and Shared Ownership on land adjacent to Coventry Road, Baginton.

A number of changes have been made to the scheme during the course of the application, including amendments to the design of the frontage properties along

Coventry Road, amendments to the design of some of the dwellings within the site, changes to the parking layout and street scene, amendments to the public open space provided on site and changes to the proposed boundary treatments within and along the site boundaries.

THE SITE AND ITS LOCATION

The site forms approximately half of allocated housing site H19 and is an undeveloped greenfield site, which is currently utilised as paddock land in association with an equestrian business. The northern part of the site lies to the west of the junction of Coventry Road, Church Road and Oak Close. The southern part of the site lies to the west of Coventry Road. To the east the boundary is an established native hedgerow which includes a limited number of hedgerow trees. A veteran tree is positioned at the nearby junction with Coventry Road and Church Road, and there a small area of woodland to the north of the site. On the opposite side of Coventry Road to the east is The Oak Public House. Immediately to the south of The Oak is Coventry Airport.

Baginton is classified as a growth village in which the application site is included, with existing residential development to the north east of the site. The Conservation Area boundary wraps around the north of the site and Green Belt land surrounds the site.

PLANNING HISTORY

There is no relevant planning history related to this site.

RELEVANT POLICIES

- National Planning Policy Framework
- DS1 - Supporting Prosperity
- DS2 - Providing the Homes the District Needs
- DS3 - Supporting Sustainable Communities
- DS4 - Spatial Strategy
- DS5 - Presumption in Favour of Sustainable Development
- DS11 - Allocated Housing Sites
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H10 - Bringing forward Allocated Sites in the Growth Villages
- H4 - Securing a Mix or Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- 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
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- DM2 - Assessing Viability
- Guidance Documents
- Open Space (Supplementary Planning Document - April 2019)
- Affordable Housing (Supplementary Planning Document - June 2020)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Baginton and Bubbenhall Neighbourhood Plan 2018-2029
- G1 - Protecting and Enhancing Local Landscape Character
- G2 - Protecting and Enhancing Local Biodiversity, Wildlife and Habitats
- G3 - Managing Flood Risk
- G4 - Traffic Management and Transport Improvements
- BAG1 - Land North of Rosswood Farm
- BAG3 - Protecting and Enhancing Baginton Village
- BAG6 - Green Infrastructure

SUMMARY OF REPRESENTATIONS

Baginton Parish Council: No objection, but Councillors have the following comments:

- share concerns of Tree Officer regarding the Baginton Oak Tree and other trees. Stringent conditions should be applied, with effective monitoring.
- support concerns shared by WCC LLFA.
- a condition should be added to ensure that the owner of the site maintains the areas of public open space.
- Concern regarding lack of visitor parking.
- We believe that the traffic management plan has failed to adequately account with the increased traffic associated with Gateway South (W/18/0522) and needs to be significantly revised before any permissions are granted

Conservation Officer: No objection, subject to condition for facing materials.

Warwickshire Wildlife Trust: When considering the results of the Habitat impact assessment calculator, and high value grassland marsh and semi approved acidic grassland on the site and when reviewing the limited compensation measures which just include small area of herbatious vegetation, and a children's play area directly adjoining the potential wildlife site this is not considered to be enough to compensate for the -7 scoring. Therefore, in its current form, the Trust cannot support the application.

Public Rights of Way: No objection, there are no recorded public rights of way crossing or immediately abutting the site.

WCC Highways: No objection, subject to conditions.

WCC LLFA: No objection, subject to conditions.

Environmental Health: No objection, subject to conditions.

Warwickshire Fire and Rescue: No objection, subject to condition.

WCC Archaeology: No objection, subject to condition.

Tree Officer: No objection, subject to adequate protection of tree labelled T52 and AMS which can be secured by condition.

Housing: No objection.

Waste Management: No objection to amended plans.

Natural England: No objection.

Coventry Airport: Objection, the amount of fruit bearing planting and trees could adversely impact the operation of the airport.

WCC Infrastructure: No objection subject to the provision of the following financial contributions: £941 towards improvements to libraries; £778 towards

improvements of public rights of way; £310,447 towards improvements towards education services; £5,000 towards the improvement of bus services; £560 towards sustainable travel promotion; £2,800 towards road safety initiatives; and, a monitoring fee TBC.

Open Space: No objection to amended landscaping scheme, subject to contribution of £222,731.82 towards the improvement of offsite public open space.

WCC Ecology: No objection, subject to contribution of £134,508 for biodiversity offsetting and conditions.

Cultural Services: No objection, subject to contribution of £3,964 towards improvements to outdoor sports, £43,789 towards indoor sports improvements and £15,125 towards grass pitch improvements.

Public Responses: 8 Objections:

- detrimental impact on the character of the area and rural landscape;
- loss of green space;
- Green Belt is being lost unnecessarily;
- a housing estate is not in keeping with the character of the village;
- additional noise, pollution, littering and disturbance;
- impact from construction works on neighbouring amenity;
- would have a detrimental impact on the living conditions of the current occupiers of the village and future residents;
- additional traffic generation;
- existing drainage is inadequate;
- wildlife and trees would be under threat as a result of the development;
- there are poor local services to serve the additional housing;
- works have already commenced on site.

ASSESSMENT

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

- the principle of the development;
- whether it is appropriate to permit more dwellings than the Local Plan allocation;
- the impact on the character and appearance of the surrounding area and conservation area;
- archaeological impact;

- residential amenity;
- car parking and highway safety;
- landscaping and impact on trees;
- drainage and flood risk;
- ecological impact;
- mix of market housing;
- provision for affordable housing;
- section 106 contributions; and
- health and wellbeing.

Principle of the development

The site comprises part of an allocated residential housing site within the Local Plan. Therefore, residential development is considered to be acceptable in principle.

Whether it is appropriate to permit more dwellings than the Local Plan allocation

This is part of an allocated housing site in the Local Plan. The Local Plan indicates that 80 dwellings would be an appropriate number of dwellings across the whole site, however it is important to note that this is not a maximum. The application site forms approximately half of the allocated housing site, so it can be broadly assumed that the Local Plan suggests 40 dwellings would be appropriate, whereas the application is for 56, resulting in an overprovision of housing by 29%.

The explanatory text to Local Plan policy DS11 states that the sites were assessed against a number of criteria and an estimated figure for the number of dwellings for each site is shown. It also states that it is recognised that this figure may vary dependent on detailed planning at the application stage.

When considering the additional numbers above the allocation, Officers note that Strategic Policies DS2 and DS3 of the Local Plan seek to support the provision of homes that are required within the District as identified within the Objectively Assessed Housing Need. These policies also require development schemes to provide an appropriate level of affordable housing and a mix of new homes of all tenures.

The above policies are based upon the Government objective of significantly boosting housing supply. Furthermore, Policy DS6 identifies a minimum of 16,776 new dwellings during the local plan period of 2011 to 2029. Current rates of new development require the provision of 1,098 dwellings per year for the remaining Local Plan period until 2029.

Policy DS7 sets out the methodology for the provision of new housing over the plan period. The figures set out that the plan period has a significant number of site completions, extant permissions, existing commitments and new dwellings proposed through the sites that are allocated within the plan.

In addition to the identified sites, an additional 1010 dwellings have been earmarked within the Local Plan housing figures that would potentially come forward through windfall sites.

In essence, the additional 16 dwellings proposed on this site could be considered as a windfall insofar as they would be additional dwellings not identified within the allocation but capable of being satisfactorily assimilated onto the site which is located within a sustainable area. It is also notable that the development is for 100% affordable housing, providing the District with 16 additional affordable dwellings than that previously envisaged as a result of the overprovision alone.

The additional dwellings located on this site would not place undue pressure on local infrastructure. No objections have been raised from statutory consultees that the additional pressure would not be able to be mitigated for.

Other benefits are capable of accruing as a result of the increased number of dwellings proposed relative to those estimated at the time of the allocation. Within the context of the Government objective to significantly boost housing supply, the provision of additional dwellings in a sustainable manner within a high quality development is considered to be a positive outcome which as set out above increases the provision of affordable housing and a wider tenure mix in a manner which may not otherwise be the case and in accordance with the relevant policies to suit the housing requirements of a variety of people. Therefore, Officers consider that the site is located in a sustainable area and the additional 16 dwellings would not result in an overprovision that would be detrimental to the overall strategy of the plan.

Residential Amenity

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

Members of the public have objected to the proposal on the basis of additional noise, pollution, littering and disturbance; impact from construction works; a detrimental impact on the living conditions of the current occupiers of the village and future residents.

Relationship to existing residential properties

The nearest existing residential properties are not considered to be within a distance from the proposed development which are likely to be directly materially impacted as a result of the proposal.

Environmental Health Officers have assessed the application and confirm that a construction management plan would be required to protect the amenity of neighbouring properties from construction work. This is considered to be reasonable and necessary for the purposes of the development.

Proposed Living Conditions

As amended, the proposed development would result in a development which meets with the Council's minimum standards in terms of distance separation between properties and the provision of satisfactory light, outlook and privacy to habitable spaces. Furthermore, the proposal also provides the minimum size private amenity spaces for each garden in accordance with the requirements of the Residential Design Guide.

Environmental Health Officers note that the proposed development is located in close proximity to a number of noise sources that could adversely impact on future residents of the proposed dwellings including aircraft noise associated with Coventry airport and road traffic from Coventry Road. There are some omissions within the noise assessment report which detract from making a full assessment of the potential noise impacts on future occupiers of the site and thus agreeing a suitable noise mitigation scheme. However, Environmental Protection confirm that they are satisfied that these details could be dealt with by way of a planning condition requiring a supplementary noise assessment report and scheme of mitigation to be submitted to and approved by the local planning authority.

The proposal is therefore considered to be in accordance with Local Plan policy BE3.

Impact on the character and appearance of the surrounding area and conservation area

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. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan 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. Finally, 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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) 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 196 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 Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the 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. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

BBNDP policy BAG3 states that development proposals within the village envelope of Baginton, including small infill sites and extensions to existing properties, must be sited and designed sensitively so as to respect and enhance their setting and, where appropriate, the Conservation Area. Development should be of a suitable scale, height and massing which responds to the built form of surrounding properties. Properties should be small in scale and no more than two stories in height; use appropriate local materials and detailing wherever possible, sympathetic to the design of properties in each identified character area; have appropriate regard for their impact, where appropriate, on key village views; include suitable landscaping and boundary treatment which is appropriate to the character of a rural Warwickshire village such as provision of low brick walls and hedges; have appropriate regard for their impact, where appropriate, on listed buildings, other heritage assets and their settings.

More specifically, in relation to this allocated housing site, BBNDP policy BAG1 states that proposals must consider, assess and address the following: the requirements of the Warwick District Local Plan 2017 and in particular Policy H10 - Bringing forward Allocated Sites in the Growth Villages; the need to provide a landscape buffer of native trees to the west of the site and, wherever possible, the replacement of present fence boundaries with native hedging, and; an approach to design that recognises that an entrance to the village from the south is being defined; attention is required to integration with the existing settlement, and good accessibility to village services and facilities should be achieved with footpath and cycleway enhancements.

Members of the public have stated that the development will result in a detrimental impact on the character of the area and rural landscape; there will be a loss of green space; and, that a housing estate is not in keeping with the character of the village.

Any proposed development of this site has the potential to impact the setting of the conservation area, the boundary of which runs to the north of the application site. There have been various negotiations between the Council and applicant regarding the proposed design and layout of the scheme. The Conservation Officer has confirmed that the green buffer proposed – including water attenuation site – and woodland beyond effectively screens the development proposal from views from Church Road. In addition, the roadside hedge along Coventry Road is to be retained and enhanced with native vegetation. It is noted that the scale of houses – generally limited to two storeys – is appropriate for the location and combined with traditional characteristics including chimneys and gables, relates well to the prevailing built form in Baginton.

The Conservation Officer requested that the dormers windows were reduced in scale on plots 39 and 40, and also asked for traditional characteristics with the addition of arched windows – a feature very commonplace in Baginton Conservation Area, to be incorporated into the scheme. This has been accommodated by the applicant. Improvements have also been made regarding the frontage which would be exposed from Coventry Road, to provide an active, attractive frontage which responds well to the existing nearby residential development. As the highway sweeps towards the west at the north the site already benefits from a small green landscape buffer between the highway and site, and owing to the Veteran Tree and nearby woodland, it was deemed appropriate to make the eastern boundary more verdant. This also retains an element of, and respects the rural character of the wider area. Furthermore, the requirements of the Neighbourhood Plan are incorporated by retaining a 2 metre landscaped buffer zone at the edge of the site which neighbours the rural landscape.

A condition for sample materials has been added to ensure a high quality design which respects the setting of the nearby Conservation Area. A condition has also been added to remove permitted development rights for the erection of fences walls and means of enclosure, and for the laying down of hard surfaces to ensure that the site as a whole retains a verdant nature, with a sense of openness to protect the wider rural setting.

As amended, the proposals are considered to present an acceptable design and accord with the NPPF and Local Plan Policies BE1, HE1 and HE2.

Archaeological Impact

WCC Archaeology note that the proposed development lies within an area of significant archaeological potential located just to the south of the probable extent of the medieval settlement at Baginton. Roman activity is known from the surrounding area with the Lunt Roman Fort Scheduled Monument located approximately 550m to the north of the proposed development site. Roman settlement remains have also been identified to the east of Coventry Road approximately 250m and 150m north east of the site and also 320 m to the north.

In addition, the site of an Anglo Saxon settlement to the west of Baginton Church has been identified about 280m to the north west of the site and an Anglo Saxon Cemetery 220m to the north east.

A programme of evaluative fieldwork comprising a geophysical survey and archaeological trial trenching has been undertaken across this site. Whilst no definite archaeological anomalies were identified by the geophysical survey, the trial trenching did identify a concentration of archaeological features within the central and northern portions of the site including ditches and a pit dating to the Roman period. A pit containing pottery dating from the Middle Iron Age was also revealed on the western side of the site.

WCC Archaeology consider that in light of the results of the trial trenching, a further programme of archaeological work should be required if consent is forthcoming in order to mitigate the impact of the proposed development. This can be secured by condition. Therefore the development is considered to be in accordance with Local Plan policy HE4.

Car parking and highway safety

BBNDP policy G4 states that development proposals should consider, assess and address their potential to benefit highway safety and in particular, at an appropriate scale, examine:

1. Highway schemes that will improve use by and safety for pedestrians and cyclists;

2. Public and community transport improvements;

3. Additional parking provision that could benefit community facilities;

4. The impact of traffic flows through the village centres.

Members of the public have objected on this basis that there would be additional traffic generation. Although this is noted, as the development relates to an allocated housing site, the principle of additional traffic within this area and the ability for the nearby road network to cope with this is already established.

The Parish Council state that they have concern regarding a lack of visitor parking. They also consider that the traffic management plan has failed to adequately account for the increased traffic associated with Gateway South (W/18/0522) and needs to be significantly revised before any permissions are granted.

WCC Highways initially objected to the proposal, and expressed concerns regarding the provision of adequate visitor parking and access arrangements from Coventry Road. Following further discussion with the applicant, a revised drawing has been submitted which relocates the private drive access onto Coventry Road at an acceptable location and demonstrates the ability of the layout to accommodate the required level of visitor parking. Therefore, WCC Highways now have no objection to the proposal on highway safety grounds, subject to a number of conditions and notes. Given that the Highway Authority are satisfied with the

proposal and Officers have no evidence to suggest that the development would present concerns regarding highway safety, the proposal is considered to be acceptable in terms of car parking and highway safety.

Landscaping and impact on trees

BBNDP policy G1 states that landscaping schemes should be designed to incorporate certain landscape design principles wherever possible to ensure opportunities are maximised for supporting local biodiversity, and to ensure new development responds positively to this high quality local environment. Native planting is encouraged and primary hedges and tree cover should be retained.

The Parish Council state that they share the concerns of the Tree Officer regarding the Baginton Oak Tree and other trees. They state that stringent conditions should be applied to protect the tree, with effective monitoring.

Members of the public express concerns regarding the loss of trees.

The Council's Tree Officer has assessed the application and states that the tree report submitted with the application is thorough and well considered. The Tree Officer considers that subject to a condition for the provision of a comprehensive arboricultural method statement, the development is unlikely to impact on trees of amenity value, including the veteran tree to the north east of the site.

It is concluded that important landscape features will be protected and that a suitable soft landscaping has been included. The proposal is therefore considered to be in accordance with Local Plan policy NE4.

Drainage and flood risk

Members of the public have objected to the proposed development on the basis that the existing drainage is inadequate. The Parish Council state that they support concerns shared by WCC LLFA.

The application site is located within Flood Zone 1, with a low probability of flooding.

BBNDP policy G3 states that all new development must use above ground sustainable drainage systems (SuDs) providing attenuation to greenfield runoff rates. Development should set back development 8m from watercourses to allow access for maintenance and restoring the natural floodplain. Proposals should ensure all SuDS features are located outside of the 1 in 100 year plus climate change flood extent; and open up culverted watercourses and removing unnecessary obstructions.

Initially the LLFA had concerns regarding the development and objected to the proposal on the basis of inadequate information to show that the watercourse at the proposed outfall is contiguous and connected to a suitable watercourse, which was of an adequate condition to convey the flows. Additional information was provided by the applicant, which was assessed by the LLFA who deem this to be

acceptable. They now have no objection the proposed development, subject to conditions for the provision of a detailed surface water drainage scheme and associated maintenance plan. This will ensure that suitable sustainable drainage systems in accordance with the requirements of the Neighbourhood Plan and Local Plan are provided.

A condition has also been added for compliance with Local Plan policy FW3 regarding water efficiency.

The proposal is therefore considered to be in accordance with Local Plan policies FW1, FW2 and FW3.

Ecological impact

BBNDP policy G2 states that the Neighbourhood Area supports a range of protected and vulnerable species and development proposals should address, with mitigation where appropriate, their impact on these and related habitats. Positive measures may include, for instance, the use of swift bricks, bat and owl boxes, ensuring that converted buildings provide nesting and roosting spaces and other new features of wildlife value.

Members of the public state that wildlife would be under threat as a result of the development.

WCC Ecology have assessed the application and initially had concerns regarding the information submitted and regarding the net biodiversity loss resulting from the scheme. Following discussions with the Ecologists, amendments to enhance the public open space on site, and an updated BIA calculation which has been assessed by WCC Ecology, they now accept the findings from the applicant that there would a net biodiversity loss of 7.95 units. This results in a request for offsite biodiversity enhancements of £134,508.

WCC Ecology also recommend conditions which secure the provision of a Construction and Environmental Management Plan, a Landscape and Ecological Management Plan, and a lighting scheme.

The above conditions and recommendations are considered to be appropriate and reasonable. The proposal is considered to be in accordance with Local Plan policies NE1 and NE2.

Housing mix

The proposed development is for 100% affordable housing. Local Plan policy H10 states that "Housing development on sites allocated in the Growth Villages as set out in Policy DS11 will be permitted where the housing mix of schemes reflects any up-to-date evidence of local housing need through a parish or village Housing Needs Assessment, including those of neighbouring parishes. Beyond meeting this need, or in the absence of a local Housing Needs Assessment, the scheme reflects

the needs of the district as set out in the latest Strategic Housing Market Assessment."

The Housing Needs Survey Report for Baginton Parish Council (2018) concludes that the following housing is needed in Baginton:

- 2no. two bedroom housing association rented properties;
- 1no. three bedroom housing association rented property;
- 2no. two bedroom starter/shared ownership properties;
- 1no. three bedroom starter/shared ownership property.

The required housing identified above would be delivered as a result of the proposed housing mix and tenure.

The proposed affordable housing mix for this development is as follows:

Bedrooms	**Total**
1-bedroom	6 = 11%
2-bedroom	28 = 50%
3-bedroom	20 = 36%
4-bedroom	2 = 3%
Total	56

The above mix does not fit within the guidance for affordable housing mix set out within the Council's adopted guidance. However, the Council's Housing team have confirmed that given that the proposal over delivers on the number of affordable units across the site, which is seen as a significant benefit of the development, that this compromise is acceptable. If the percentage of affordable housing had been the minimum set out by the Council's Local Plan of 40%, 22 of the properties would have been affordable, therefore the District will receive 34 affordable units in addition to that it was expecting to be delivered on this portion of the allocated site. Moreover, the proposed mix above would deliver the required number of dwellings to meet the guidance set out in the Housing Mix Guidance for each size property if the development was providing 40% affordable housing.

Therefore, on balance and considering the benefits offered through the delivery of additional affordable units, the development is considered to provide an acceptable housing mix.

Section 106 contributions

Members of the public state that there are poor local services to serve the additional housing. It is noted that the proposed development of 56 dwellings would create additional demand for local services and to mitigate this, contributions towards community facilities have been requested by various consultees as follows:

- Off-site public open space improvements £222,731.82,
- £778 towards improvements to public rights of way,
- £941 towards improvements to libraries,
- £310,447 towards improvements to education services,
- £5,000 towards improved bus facilities,
- £560 towards sustainable travel promotion,
- £2,800 towards road safety initiatives,
- Outdoor Sporting Contribution: £3,964,
- Indoor Sporting Contribution: £43,789,
- Grass pitch contribution: £15,125,
- Biodiversity Offsetting: £134,508,
- Monitoring fee for County Council, based on set calculation: £500 + (5 hours x £40 Officer time x Number of triggers),
- Monitoring fee for the District Council TBC when all contribution requests are confirmed.

The applicant has submitted a viability report which stated that there were no surplus funds to contribute towards the above requests. This was independently assessed by the Council's viability consultant, who broadly agreed with the findings of the report, apart from the abnormal foundation costs proposed by the applicant, which were unexpected. They also noted that a contribution towards the maintenance of new features such as street trees had been included within the applicants' calculations. The independent viability consultant advised Officers to consider whether the figures associated with these matters should be included as appropriate, reasonable costs for the applicant, or whether they should be considered as counting towards surplus funds for financial contributions to mitigate the impacts of the development.

Officers carefully considered this point, and concluded that as insufficient evidence had been provided to demonstrate that abnormal foundation costs would be encountered, this should be considered as a surplus fund. Moreover, the maintenance cost had not been requested by any of the consultees so was deemed as a surplus fund. This results in a total of £77,000 in surplus funds which can be put towards financial contributions to mitigate the impacts of the development on the area. However, as this would not cover all of the requests above, Officers had to consider where these funds would be most appropriately directed. The site specific contributions for this particular scheme are: bus facilities, sustainable travel promotion, road safety initiatives, open space and biodiversity offsetting. Officers consider that given the close proximity of the site to the community park to be delivered as part the nearby Gateway scheme, that future residents would have easy access to areas of public open space. It was concluded that the appropriate course of action is to direct the funds towards the remaining site specific contribution requests of bus facility improvements and road safety initiatives. Sustainable travel packs will be secured by condition and the remaining funds will be captured for biodiversity offsetting, which was the largest remaining site specific contribution request.

Health and wellbeing

The proposals would provide housing to meet the housing needs of the District, specifically affordable housing for people in housing need. This is a significant benefit that contributes to health and well-being. Additionally, the provision of open space would be seen as a positive benefit that adds to the effective layout of the scheme and provides an enhanced environment in which to live for future occupiers.

Open Space

BBNDP policy BAG6 states that proposals for new public open space should adopt the Green Infrastructure (GI) approach and be designed to provide open space, sport and recreation uses which:

- Are accessible to all; and
- Safeguard and enhance the natural and historic environment; and
- Protect priority species and enhance habitats and sites of special biodiversity interest.

The Parish Council state that a condition should be added to ensure that the owner of the site maintains the areas of public open space. The applicants have submitted a plan which shows that the applicant will be responsible for the maintenance of the public open space on this site which will be captured within the legal agreement, thus addressing this point from the Parish Council.

There have been ongoing negotiations between the applicant, the Council's Open Space department and WCC Ecology in order to enhance the public open space provision on the site during the course of the application. Biodiversity enhancements were made, along with improved landscaping features which has resulted in a much improved layout. Both WCC Ecology and the Green Spaces team are now satisfied with the proposed on site public open space provision.

Other matters

It is noted that the proposal would lead to a group of affordable units being provided in one location, rather than having these spread amongst market housing, to create a more balanced, mixed community which would be the Council's preference. However, it must be remembered that this is part of an allocated site, which forms part of a growth village and is in close proximity to Coventry, where there is a wide mix of housing. Moreover, the applicant provided a report undertaken by housing consultancy focussing in particular on the delivery of affordable homes through the planning system. In relation to the proposed higher levels of shared ownership, they identified that shared owners are drawn particularly from younger households living in the Private Rented Sector, who have become priced out of the local area, identified particularly within Baginton by the

absence of such households during the last census. In this tenure profile, there was a marked absence of both younger home-owners and adults under the age of 45 more generally. The provision of a housing product which is directly aimed at increasing home ownership among younger working households would deliver a wider mix of housing in this regard, thus contributing to the overall mixed communities the Local Plan seeks, within the area as a whole.

A condition is recommended to require a contamination assessment, in accordance with the comments of Environmental Protection. This will provide adequate control over any potential contamination issues.

A condition has been added to ensure that electric vehicle charging points are provided for each dwelling prior to their occupation in line with the requirements of the Council's Air Quality SPD for this scale of development.

Warwickshire Fire and Rescue have requested a condition for the provision of adequate water facilities for fire services. This is considered to be reasonable and necessary for the purposes of the development.

As amended, Waste Management have no objection to the waste and recycling storage and collection measures proposed.

Members of the public state that Green Belt is being lost unnecessarily. However, this site was removed from the Green Belt as part of the last Local Plan review and is no longer under this land designation.

Members of the public state that works have already commenced on site. Officers are not aware of any evidence to support this assertion.

It is noted that Coventry Airport objected to the proposal, owing to the amount of fruit bearing planting and trees, which adversely impact the operation of the airport. The number of such planting and trees have been reduced in order to mitigate this concern.

SUMMARY / CONCLUSION

The proposal represents the provision of 56 affordable units on an allocated housing site within a growth village. Whilst the development would not fully satisfy the housing mix requirements set out within the Council's supplementary guidance, the over delivery of affordable units is seen as a considerable benefit of the proposal which outweighs this matter, along with the high quality nature of the development, in a sustainable location. Subject to the conditions listed and signing of a satisfactory legal agreement, the proposal 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 drawings:

PS-011-2B3P-Bungalow-58m2-RevE, PS-013-2B4P-Semi-70m2-RevC, PS-014-2B4P-Semi-Detached-Front-Gable-70m2-RevC, PS-015-2B4P-Semi-Detached-Aspect-70m2-RevC, PS-017-2B4P--Terrace-Triple-Aspect-70m2-RevC, PS-018-3B5P-Semi-Detached-Front-Gable-81m2-RevC, PS-019-3B5P-Semi-Detached-Aspect-81m2-RevC, PS-020-3B5P-Semi-Detached-86m2-RevC, PS-021-3B5P-Semi-Detached-Front-Gable-86m2-RevC, PS-022-3B5P-Semi-Detached-Aspect-86m2-RevC, PS-023-Semi-Detached-105m2-RevD, PS-024-3B5P-Semi-Corner-90m2-RevA, PS-025-Bungalow-58m2-Bay-Window-RevA, SJA435.05.E (boundary treatments), SJA435.04.F (soft landscape proposals) submitted on 2nd November 2020, and

1128-A-DR-004-Site-Plan-RevT submitted on 9th November 2020,

and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

3 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.

4 The main access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

5 The development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) in accordance with the British Standard on Biodiversity BS 42020:2013 has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition, appropriate working practices and safeguards for habitats such as hedgerows and trees (including the veteran oak tree) and protection of adjacent woodland to be employed whilst works are taking place on site. The compound area should be allocated and illustrated in a site layout within the plan. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

6 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full. **REASON**: To ensure a net biodiversity gain in accordance with NPPF.

7 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 next to the broadleaved woodland, around the boundary edges/hedgerows, around the veteran oak tree, 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 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: To ensure that protected species and habitats to be retained are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005.

8 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:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 4.4l/s for the site.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event. Provide evidence to show an agreement from Severn Trent Water to connect to the existing network.

Reason To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity in accordance with policies FW1 and NE2 of Warwick District Local Plan 2011 - 2029.

9 No development shall take place until: -

1. An appropriate ground gas risk assessment has been undertaken in accordance with details approved by the local planning authority.

2. If identified as necessary, a method statement detailing the remediation requirements using the information obtained from the aforementioned ground gas risk assessment, 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 shall be approved in writing by the local planning authority prior to the remediation being carried out on the site.

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

4. Upon completion of any remediation requirements detailed in the aforementioned method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding ground gases have been carried out in

accordance with the approved method statement. Where necessary, post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Any 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.

10 No development shall take place unless and until:

a) a supplementary noise assessment has been undertaken to assess the impacts of noise arising from road traffic and Coventry airport on future occupiers of the development;
b) the results of the noise assessment carried out to comply with criteria (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority.

Any necessary mitigation measures approved under (b) shall be implemented in full accordance with the approved details and shall not be removed or altered in any way without the prior written approval of the local planning authority. **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.

11 Prior to the commencement of the development hereby approved (including all demolition and all preparatory work), an arboricultural method statement (AMS) and a tree protection plan (TPP) in accordance with BS 5837:2012, shall be submitted to and approved in writing by the Local Planning Authority for the protection of the retained trees.

Specific issues to be considered in the AMS and TPP shall include, without being limited to:

a. The location and installation of services/utilities/drainage.
b. Methods of demolition within the root protection area (RPA as defined in BS 5837:2012) of the retained trees (if appropriate).
c. Details of construction within the RPA or that may impact on the retained trees.
d. Recommendations for the specification for the construction of any roads, parking areas and driveways that encroach over RPA's of off-site trees and the retained trees within the site, including the extent of those areas to be constructed using a no-dig specification.

e. A recommendation for protective measures to safeguard the off-site trees and the retained trees within the site during both demolition and construction phases, those control measures to be shown on a plan with offsets from fixed points to confirm the alignment of any protective fencing and the extent of any ground protection.
f. A recommendation for ground protection measures where scaffolding will be erected within the RPA or which will affect retained trees' canopies.
g. A recommendation for ground protection measures where cranes will be installed within the RPA or which will affect retained trees' canopies (if appropriate).
h. A specification and schedule of tree pruning work to allow the crane to operate effectively (if appropriate).
i. Recommendations for site access, internal roads, temporary parking, on-site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste, as well as the delivery or mixing of concrete, complete with suitable control measures to protect the off-site trees and the retained trees within the site from harm from those facilities or activities.
j. Details of 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.
k. Methods to improve the rooting environment for retained and proposed trees and landscaping.

The development thereafter shall be implemented in strict accordance with the approved details.

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.

12 No development shall take place until:

An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development.

The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents.

Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable,

before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

13 Prior to commencement of the development hereby permitted details of measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods shall be submitted to and approved in writing by the Local Planning Authority. No dwellings shall be first occupied until the works within the approved scheme have been completed for each dwelling 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 planning for climate change adaptation and to satisfy the requirement of Policy CC1 of the Warwick District Local Plan 2011-2029.

14 The development hereby permitted shall not commence unless and until a hard landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include 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. Any hard landscaping shown on the approved plans, including boundary treatment, paving and footpaths, shall be completed in all respects within the 6 months of the first use of the development hereby permitted. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

15 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.

16 No dwelling shall be occupied until the estate roads [including footways] serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

17 The construction of the estate roads serving the development [including footways, cycleways, verges and footpaths] shall not be other than in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

18 The access to plots 1-6 for vehicles shall not be used unless a public highway verge crossings has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** To ensure that a verge crossing is available for use when plots 1 - 6 are used, enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

19 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.

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

21 No occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan. **Reason:** To ensure the future maintenance of the sustainable drainage structures in accordance with Policy FW1 and FW2 of Warwick District Local Plan 2011 - 2029.

22 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.

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

24 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.

25 Prior to the occupation of the development hereby permitted, a scheme detailing the affordable housing provisions shall have been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

(a) the tenure split;

(b) the arrangements for the management of the affordable housing;

(c) the arrangements to ensure that such provision is affordable for

both first and subsequent occupiers of the affordable housing, or other alternative arrangements; and

(d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced. **REASON :** To meet the requirements of Policy H2 of the Warwick District Local Plan 2011 - 2029.

26 The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any dwelling to the satisfaction of the Local Planning Authority. **Reason:** In the interests of Public Safety from fire and the protection of Emergency Fire Fighters.

27 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 gate, fence, wall or other means of enclosure shall be erected and no hardstanding shall be installed on any land between the front or side elevation of any dwelling and any road or footpath. **Reason:** Due to the open plan layout of the proposed development and its rural setting it is considered important to ensure that control is maintained over boundary treatments and hardstanding fronting the public highway.

28 Any soft landscaping shown on the approved plans, including any tree(s) and shrub(s), shall be planted within the first planting season following that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of the same size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **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.

29 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.

30 Prior to the occupation of the development hereby permitted, the first floor side facing window(s) in property types A, C, D, E, K shown on approved plan 1128-A-DR-004-Site-Plan-RevT shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.

31 Prior to the first occupation of each of the dwellings hereby permitted, the first occupiers of the dwelling shall be provided with a sustainable welcome pack to help promote sustainable travel in the local area in accordance with details that shall have been first agreed in writing by the local planning authority. **REASON:** In the interests of promoting sustainable travel, in accordance with the requirements of Policy TR3 of the Warwick District Local Plan 2011 - 2029.

32 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted . Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted . All 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 (excluding hard surfaces). **REASON**: To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

Planning Committee: 20 July 2021 **Item Number:** 7

Application No: W 20 / 1847

Registration Date: 11/11/20
Town/Parish Council: Eathorpe **Expiry Date:** 06/01/21
Case Officer: Rebecca Compton
01926 456544 rebecca.compton@warwickdc.gov.uk

Rosedale, Main Street, Eathorpe, Leamington Spa, CV33 9DE
Erection of 1no. dwelling and associated vehicular access. FOR Kenilworth Property Developments Ltd

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

RECOMMENDATION

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

RELEVANT PLANNING HISTORY

W/19/1787 - Erection of a new dwelling - Granted

KEY ISSUES

The Site and its Location

The application site is located within the village boundary of Eathorpe which is designated as a Limited Infill Village in the adopted Local Plan. The application site forms the side garden area of an existing dwelling 'Rosedale' which is located in relatively central spot in the village. The site is washed over by Green Belt, lies within Flood Zone 2 and is also within the Eathorpe Conservation Area.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the proposed erection of a two-storey detached dwelling together with a new vehicular access. This scheme is a re-submission of a previously approved scheme for the erection of a new dwelling (ref: W/19/1787).

The key changes proposed following the approved scheme are:

- Increase in the plot depth of the dwelling to incorporate a single storey rear projection and increased habitable space at first floor
- Increase in width of dwelling
- New vehicular access off Main Street in addition to the shared drive with The Cottage and Rosedale
- Removal of detached garage to be replaced with single storey utility room
- New area of hardstanding to the front of the building for parking

- Minor changes to external details such as porch

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE5 - Protection of Natural Resources
- FW3 - Water Conservation
- H1 - Directing New Housing
- H11 - Limited Village Infill Housing Development in the Green Belt
- DS18 - Green Belt
- FW1 - Development in Areas at Risk of Flooding
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- FW3 - Water Conservation
- TR3 - Parking
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Eathorpe Parish Council: Object on the following grounds:

- Greater in size than the previously approved dwelling
- Impact on flooding as a result of the increase in size of the dwelling
- Loss of garden area to the front garden now to be laid as hardstanding
- Loss of on-street parking due to new access

WCC Highways: No objection. A TRO would be required if the road sign needs to be removed.

WCC Flood Management: No objection.

WCC Ecology: Raised concerns over trees to be removed and impact on bats and loss of biodiversity.

Environment Agency: No objection.

WDC Conservation: Raised concerns over the increased size of the dwelling, loss of hedgerow to the frontage and the large area of hardstanding to the front garden.

Public Response: 19 letters of objection have been received raising the following concerns:

- The size of the dwelling is significantly larger than the previously approved dwelling
- The development would result in loss of on-street parking
- The development would lead to flooding issues for neighbouring properties
- The development would result in the loss of hedgerow and vegetation to the front of the property that adds to the rural character of the village
- Large area of hardstanding to the front not in keeping with area
- Loss of biodiversity

ASSESSMENT

Principle of housing

Local Plan Policy H1 sets out a settlement hierarchy of where new housing should be directed. New dwellings are permitted within the boundaries of Limited Infill Villages, although the policy also states that housing development on garden land, in urban or rural areas, will not be permitted unless it reinforces or harmonises with the established character of the street.

The principle of housing development on this site has already been determined to be acceptable by virtue of the previous approval. However, as the application site comprises garden land, the siting and design must be assessed in terms of whether it harmonises with the character of the street. Other properties on this side of the road are set back from the highway and the proposed dwelling has also been set back to reinforce the pattern and retain the building line. There is also a mix of semi-detached and detached dwellings and the proposal as a detached dwelling is in keeping with other properties in the varied street scene. The new dwelling is of a size and scale that is in keeping with other properties in the immediate and wider area. As such the provisions of Policy H1 are considered to be met.

Policy H11 deals specifically with housing in Limited Infill Villages within the Green Belt and sets out criteria that must be met for a proposal to be acceptable. These are that the development is for no more than two dwellings, infilling of a small gap fronting a public highway between an otherwise largely uninterrupted built up frontage and is partly visible from the street and that the loss of the plot being infilled would not harm the integrity of the village or local character.

The new dwelling would be situated on garden land currently associated with the existing dwelling at Rosedale, the land forms a gap between Rosedale and Harton Cottage. The new dwelling would be set back from the highway in line with other dwellings along this part of Main Street. The land is situated in between a run of dwellings and is of a comparable size to other plots in the immediate street. The proposal is considered to comply with the requirements of Policy H11 in that the new dwelling would occupy a small gap in an otherwise uninterrupted built up frontage. The site of the new dwelling is presently garden land and is not considered to be an open space that adds to the character of the village. Giving consideration to these factors I am satisfied that the proposal complies with the criteria set out in Policy H11 and can be classed as infill development.

Concerns have been raised by members of the public that the proposed dwelling is greater in size than the previously approved dwelling under planning permission ref; W/19/1787. The proposed dwelling is of the same height as the previously approved dwelling but extends further into the plot. Officers consider that the increase in depth stills ensures that the dwelling sits comfortably in the plot and the street scene which is characterised by dwellings of varying sizes with varying plot depths. It is considered that in this context the proposed dwelling would not appear out of character with the street scene nor would it harm the integrity of the village or the local character. On that basis the development complies with Local Plan Policy H11.

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

The NPPF states that inappropriate development within the Green Belt is harmful by definition and should not be approved except in very special circumstances. The NPPF identifies that exceptions to inappropriate development would include limited infilling in villages. As identified above, the proposal is considered to represent limited infilling, and therefore the proposal is considered to represent appropriate development within the Green Belt.

The proposed development is therefore considered to be in accordance with Local Plan Policy DS18 and the NPPF.

Impact on character of surrounding area and setting of the Conservation Area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high-quality layout and design in all developments that relates well to the character of the area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) 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 196 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.

Warwick District Local Plan Policy HE1 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal. Warwick District Local Plan Policy HE2 of the Local Plan expects development proposals to have appropriate regard to the character and setting of conservation areas.

Concerns have been raised by members of the public and the Parish Council that the increase in size of the dwelling would have a harmful impact on the character

of the Conservation Area and would not be in keeping with the village. Concerns have also been raised by members of the public relating to the loss of the existing hedgerow to the front of the building together with a large area of hardstanding to the front of the building which would detract from the green and rural character of the village.

The site is located relatively centrally in the village and is surrounded by residential properties. The village offers a mix of housing types and styles from modern properties to traditional cottage style dwellings with a mix of materials including render and brick. To the north of the site the properties are predominantly large detached dwellings in spacious plots and to the south the properties are predominantly semi-detached dwellings. The new dwelling is a large detached dwelling located in a spacious plot that is in keeping with the surrounding character and style of properties in the village. Neighbouring buildings in the street scene have varying plot depths and widths with varying styles and character, it is considered that the increased depth of the building would not be out of keeping with the area in this context.

The proposed dwelling has adopted a similar external appearance to the previously approved dwelling with a front gable feature, eaves detailing and use of similar materials to that which can be found within the immediate vicinity of the application site, which would be brick and tile. These design features also take inspiration from the dwellings which it would be positioned immediately adjacent to. Sample materials of the external facing materials have been provided and are considered of a high-quality materials and will ensure the development is sympathetic to the area.

It should be noted that the hedgerow is not protected and could be removed at any time. Nevertheless, throughout the course of the application the proposals have been amended to retain some of the hedgerow to the front of the site. Large areas of hardstanding visible within the street scene is not an uncommon feature and can be seen on other properties such as Forge Cottage and 4 Park Cottages in the immediate area, there are other examples in the wider area. It should also be noted that a hardstanding could be formed on the site under permitted development. The proposal now seeks to retain some of the hedgerow to the front of the property which will provide a softer boundary treatment to the front of the site than the formerly proposed fencing and will also help mitigate any visual impact of the hardstanding in the street scene.

It is noted that the Conservation Officer has raised concerns over the increased size of the dwelling and the area of hardstanding to the front of the building together with the loss of the hedgerow. However as explained above, Officers are satisfied that the proposed design is in keeping with the surrounding area and would not be harmful to the established character of the street scene and the conservation area.

Overall, the proposals are considered to respect the character of the area and the setting of the conservation area having regard to Policies BE1 and HE1.

Impact on adjacent properties and amenity of future occupiers

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.

Impact on Neighbouring Residential Amenity

The nearest neighbouring properties would be to the north and south of the site with Rosedale and The Cottage which adjoins Rosedale to the rear both situated to the north of the site and Harton Cottage to the south. There would be no conflict with the Council's 45° guideline with either of these properties as a result of the proposed development.

The new dwelling is set back into the site and is positioned no further forward than the two neighbouring buildings which is considered to ensure no overlooking or loss of amenity to the properties located opposite the site. Concerns have been raised by the neighbour at The Cottage that the increase in depth of the dwelling would have a harmful impact on their light and outlook. The increase in floor area will largely be achieved at ground floor by way of a single storey rear projection. There will be an increase in floor area to the first floor however this will achieved by way of a catslide roof and pitched roof dormers to reduce the visual bulk and mass of the building to not block light to the neighbouring dwelling at The Cottage that faces the development. The tallest part of the roof to the dwelling will be positioned opposite the blank gable end of Rosedale to again reduce any impact on light to the neighbouring dwelling at The Cottage. To the ground floor the proposed dwelling would replace the previously approved detached garage with a utility room which would be of a reduced depth and situated further away from the neighbouring dwelling than the approved garage.

Proposed Living Conditions for the Future Occupiers

The proposed dwelling would provide adequate light, privacy and outlook to all habitable rooms. The proposed dwelling would also have an ample private amenity space which accords with the Council's minimum size requirements.

The proposal is overall considered to be acceptable in terms of amenity in accordance with Local Plan Policy BE3.

Access and Parking

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 SPD.

The proposed scheme retains the existing shared access off Main Street which currently serves the neighbouring dwelling at Rosedale. The proposal also seeks to create a new access off Main Street to serve the new dwelling together with a new parking area to the front of the building. The Highways Authority was consulted on the application and raised no objection to the proposal. Whilst

concerns have been raised by members of the public regarding the loss of on-street parking, the Highways Authority have raised no objection to the loss of parking provision in the area.

The proposed parking area would provide sufficient space for 3 off road parking spaces to serve the new dwelling. This meets with the Council's requirements set out in the Parking Standards SPD.

The Highways Authority have commented that if the existing road sign is required to be removed that it is positioned within the existing hedgerow then the applicant would need to enter into a TRO with the Highways Authority to arrange for this to be removed. The scheme has since been revised to retain this section of hedgerow however it is considered appropriate to include this as an advisory note for the applicant. In any case, a condition will be added stating that the dwelling cannot be occupied until the parking has been laid out and ready for use in accordance with the approved details.

It is therefore considered that the proposal would not have an adverse impact on highway safety and provides adequate parking in accordance with Local Plan Policies TR1 and TR3.

Ecology

The County Ecologist raised concerns over loss of trees to the rear garden and the potential impact on bats, the application has been amended to retain these trees and so has addressed these concerns.

The County Ecologist also raised concerns over loss of biodiversity across the site, the proposals have addressed biodiversity loss through the planting of additional hedging along the side boundary of the site, a replacement pond is to be provided in the rear garden and bat and bird boxes will be placed on existing trees to the rear of the site. These measures are considered satisfactory to ensure there would be no net loss of biodiversity across the site.

On the basis of the above, it is considered that protected species will not be adversely affected by the proposal, subject to the suggested conditions. The proposal is therefore considered to be in accordance with Local Plan Policy NE2.

Flooding

Whilst areas of the site are situated within Flood Zone 3, the proposed dwelling has been situated to be located in Flood Zone 2. Details have been provided of proposed mitigation measures to control the flow of surface water runoff and flooding such as through the use of SuDS. Surface water is collected into slotted drainage channels and then fed into rain gardens which will clean the water prior to discharge back into the River Leam. The route to the river will be via a series of attenuation crates, which will store water prior to discharge, and the volume of the crate is based on the drainage area. The attenuation crates will hold back the water in times of excess flow and discharge this via an orifice plate.

The proposal also seeks to adopt measures within the construction of the dwelling to mitigate any impacts from potential flooding, these include setting of appropriate finished floor levels.

The Local Lead Flood Authority and the Environment Agency have been consulted and have raised no objection to the drainage strategy or the Flood Risk Assessment and flood mitigation measures that have been put forward by the proposal.

Low Emissions

The proposal will result in additional vehicular movements and therefore there is a requirement for the provision of an electric charging point in accordance with the Council's adopted Low Emissions Strategy. The proposed site plan indicates an electric charging point will be provided in accordance with the adopted strategy, a condition requiring details of the charging point is considered necessary and reasonable and so will be added.

Water Efficiency

A water efficiency scheme has been submitted with the application that demonstrates a water efficiency standard of 110 litres per person per day based to satisfy the requirements of Local Plan Policy FW3.

Waste

Waste and recycling storage could be accommodated within the site boundaries and out of sight, within the garage or to the rear of the property.

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) 2008/P/01, 2008/P/02, 2008/P/04, 2008/P/05, and specification contained therein, submitted on 16th 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 The development shall be carried out in strict accordance with the approved SuDS Drainage Strategy Report produced by Civil Engineering Solutions dated December 2020 and approved drawing CES633/01/01 Rev A, submitted on 01st April 2021. **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.

4 The development shall only be carried out in accordance with the sample materials submitted on 04th February 2021. **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.

5 The development hereby permitted shall not be occupied unless and until it has been installed with a minimum 16amp electric vehicle recharging point which is ready for use and confirmation has been submitted to and approved in writing by the Local Planning Authority. As a minimum a drawing/ photograph showing the location of the charging point(s), a technical data sheet for the charging point infrastructure, and confirmation of the charging speed in kWh should be submitted to the LPA. Thereafter the points shall be retained in accordance with the approved details and shall not be removed or altered in any way. **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.

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

7 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

Planning Committee: 20 July 2021 **Item Number: 8**

Application No: W 20 / 2121

Registration Date: 21/12/20
Town/Parish Council: Leamington Spa **Expiry Date:** 15/02/21
Case Officer: Andrew Tew
01926 456555 andrew.tew@warwickdc.gov.uk

47 Kingsway, Leamington Spa, CV31 3LG
Change of use from dwelling (use class C3) to a 4 bed HMO (use class C4). FOR Mrs C Punj

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This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

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

RELEVANT PLANNING HISTORY

The application site has no relevant planning history

KEY ISSUES

The Site and its Location

The application site relates to a two storey dwelling located on the Kingsway, Leamington Spa. The site benefits from a large front garden and driveway for parking.

Details of the Development

The application seeks planning permission for the proposed change of use from a single dwelling (Use Class C3) to a four bedroom House in Multiple Occupation (Use Class C4).

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design
- BE3 - Amenity
- H6 - Houses in Multiple Occupation and Student Accommodation
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.
WCC Highways - No objection.
WDC Waste Management - No objection.
WDC Private Sector Housing - No objection.

10 No. Public Responses - Objections summarised as:

- Property not in good state of repair
- Questions if sitting room is fit for purpose
- Students do not fit into residential environment
- HMO's create ghettos in Leamington
- Prioritisation of landlords' wealth
- Convert empty offices rather than family homes
- Questions validity of data for HMO calculations
- Students do not maintain a good level of cleanliness and attract rodents
- Structural damage caused to next door neighbour
- Nearest bus stop over 400m away
- Dwelling backs onto play area
- Noise

Councillor Chilvers objection

- Nearest bus stop over 400m away
- No refuse plan with application
- Questions HMO calculation is fewer than 91 dwellings

ASSESSMENT

Principle of Development

Whether the proposals would cause or add to a harmful over-concentration of HMOs in this area

Policy H6 of the Local Plan states that planning permission will only be granted for Houses in Multiple Occupation (HMOs) where:-

a). the proportion of dwelling units in multiple occupation (including the proposal) within a 100 metre radius of the application site does not exceed 10% of total dwelling units;
b). the application site is within 400 metres walking distance of a bus stop;
c). the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMOs;
d). the proposal does not lead to a continuous frontage of 3 or more HMOs; and
e). adequate provision is made for the storage of refuse containers whereby - the containers are not visible from an area accessible by the general public, and the containers can be moved to the collection point along an external route only.

Assessment:

a). Within a 100 metre radius there are 5 existing HMOs out of 91 residential units. The existing concentration level is at 5.5%, the addition of one further HMO would increase the concentration to 6.6% which is below the adopted 10% limit of HMOs within a 100 metre radius of the site.
b). The nearest bus stop is located circa 190m away on the Queensway which is within 400 metres walking distance of the property. There is a further stop circa 415m from the application property.
c). The existing property does not sandwich a non-HMO between another HMO.
d). It does not lead to a continuous frontage of 3 or more HMOs.
e). The site benefits from a long driveway and front garden. During the site visit the bins could be seen, albeit screened by a parked vehicle, at the end of the drive. This appears a common arrangement for neighbouring properties, as there is no external access to the rear garden.

The proposal would not result in an over concentration of HMO's in this area and so is not considered to have a harmful impact on the amenity of neighbouring properties. The proposal complies with Local Plan policy H6.

Impact on the Street Scene

The proposed change of use includes no external alterations and would have no impact on the street scene.

The proposal is therefore considered to be in accordance with Local Plan Policy BE1.

Impact on neighbouring properties

Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

The proposed change of use includes no external alterations. The proposal is therefore unlikely to have an impact on neighbouring residential amenity which would warrant reason for refusal of the application.

The proposed HMO would provide adequate living conditions for the future occupiers. The site also benefits from a rear private amenity area for the future occupiers which is considered adequate.

The proposal is therefore considered to be in accordance with Local Plan Policy BE3.

Parking & Highway Safety

The site benefits from a driveway with sufficient space to accommodate 2 parking spaces. As the requirement for the proposed 4 bed HMO would also be 2 spaces, the proposal is considered in accordance with the Council's adopted Parking Standards SPD.

WCC Highways have been consulted and raise no objection. They request the provision of 4 no. cycle storage spaces (one for each bedroom) secured via condition. As the SPD only requires 2, this is the maximum that can be secured.

The proposal would therefore be in accordance with Policy TR3 of the Local Plan.

Other Matters

The validity of the data has been questioned. However, this has been checked and confidence in it is maintained.

CONCLUSION

The proposed change of use is considered to be acceptable in principle and would not have a harmful impact on neighbouring residential amenity, or the character of the area. The proposed change of use 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) "proposed floor plan REV A" and specification contained therein, submitted on 21/12/2020 **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 The development hereby permitted shall not be occupied unless and until cycle parking facilities have been provided and made available for use in accordance with details that shall have been submitted to and approved in writing by the local planning authority. Thereafter those facilities shall remain available for use at all times. **Reason:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 20 July 2021 **Item Number: 9**

Application No: W 20 / 2144

Registration Date: 16/03/21
Town/Parish Council: Leamington Spa **Expiry Date:** 11/05/21
Case Officer: Lucy Hammond
01926 456534 lucy.hammond@warwickdc.gov.uk

24 Kenilworth Road, Leamington Spa, CV32 6JB
Proposed demolition of rear two storey and single storey wings together with detached two storey cottage and erection of replacement three storey and two storey extensions together with detached building at rear of site to provide increased number of studio flats and bedsit accommodation (increase from 30no. to 33no.) plus all associated works. FOR Cloister Living LLP

This application is being presented to Committee due to the number of support letters that have been received and the application is recommended for refusal.

RECOMMENDATION

That Planning Committee refuse planning permission for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought to demolish a substantial part of the existing building; not just the modern existing flat roof single storey element that runs to a significant plan depth at the rear of the building but also the two storey historic service wing which forms an original element of the Regency villa at the rear. In place of the demolished elements of the buildings, it is proposed to erect three storey and two storey (both including basements) rear extensions that would accommodate new bedsit and studio flat accommodation. For the avoidance of doubt, although the submitted application form states that this would result in an increase in the existing number of such accommodation at the premises from 30no. to 32 no. the proposed number of studio flats resulting from this development as illustrated on the submitted plans and confirmed on a schedule of accommodation submitted during the course of the application is in fact 33no.

The proposals also seek permission to demolish the existing one and a half storey detached property which sits at the end of the plot along the rear wall of the site and replace it with a new build two storey building that would accommodate 5no. studio flats internally. All associated works; landscaping, drainage, etc form part of the proposal for which permission is being sought.

For the avoidance of doubt however, no external changes are sought to the front elevation of the villa and in terms of the use, while the existing internal configuration of the building is laid out as a HMO, the proposals would result in self contained accommodation (studio flats and bedsits).

THE SITE AND ITS LOCATION

The application property is a detached Regency villa, dating from the 1830s, referred to as Ashley Lodge. While it is located in the Royal Leamington Spa Conservation Area, the property itself is unlisted. The house undoubtedly contributes positively to the appearance and character of the conservation area to the extent that it can be considered as a non-designated heritage asset. The property is also located in the direct setting of Grade II listed buildings (20, 22, 26 and 28 Kenilworth Road), all of which date from the same period and are constructed in the same style as the application site. Since the last application (which was subsequently withdrawn) the building has been considered for addition to the Council's Local List of Heritage Assets, the outcome of which is pending approval by the Head of Development Services.

The property is located along the eastern side of the Kenilworth Road at a point near to the junction with A452/Lillington Avenue which crosses west/east to the south. This area is noted for its imposing large detached villas, many of which have since been converted from their original single dwelling use, into flats, HMO's and other alternative uses such as care homes. However, aesthetically, the street scene still reads very much as one characterised by the original historic detached villas, with large and imposing frontages, some with in/out driveways, all with a sense of spaciousness.

The villas are characterised by historic service wings; two storey in height, which sit at the rear, though they do not run quite the full width of the main building, leaving a traditional 'infill' corner behind the main villa, to one side of the service wing. The depth of the service wing is uniform across the villas though it is evident from aerial photography and planning history records that some of these have been given permission for modest extensions to their rear. Many of these are historic and would appear to pre-date the Council's electronic database records (1974) and/or were possibly constructed under permitted development under previous legislation at a time when the building(s) was still in use as a single dwellinghouse.

No.24 Kenilworth Road is currently in use as student accommodation. There is a single point of access and egress off Kenilworth Road where there is a substantial area of hardstanding to the front already, providing an area of existing parking which serves the current use. None of this would be affected by the proposals. An access drive along the northern side of the property leads to the rear, though areas of additional hardstanding for parking are limited due to the extent of the existing built form which projects along the depth of the plot and how the rear of the site can be accessed by vehicles. The drive along the northern side of the site also leads to 'Cariad Cottage'; a detached one and a half storey residential property at the rear most part of the application site. This property lies against the rear (eastern) boundary of the application site, between two other residential buildings in similar positions at the end of their respective plots which form the neighbouring sites to the application site. These are the adjacent properties, Nos. 22 Kenilworth Road to the south and 26 to the north. 'Cariad Cottage' has its own curtilage, hardstanding, parking and amenity space but is all within the site edged red as part of this application.

PLANNING HISTORY

W/20/0264 - Proposed demolition of rear two storey and single storey wings together with detached two storey cottage and erection of replacement three storey and two storey extensions together with detached building at rear of site to provide increased number of studio flats and bedsit accommodation (increase from 30no. to 33no) plus all associated works - **Withdrawn**

W/08/1117 - Erection of new external door to lower ground floor with steps down – **Approved**

W/08/0202 - Conversion of lower ground floor to 4 additional habitable rooms with new external entrance door with steps leading down together with enlarged lightwells – **Refused**

W/00/0674 - Change of use from Nursing Home to student accommodation – **Approved**

W/91/1461 - Erection of a first floor rear extension to provide four additional bedrooms and a lounge – **Refused**

W/91/0948 - Erection of a first floor rear extension to provide four additional bedrooms and a lounge – **Refused**

RELEVANT POLICIES

- National Planning Policy Framework
- 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
- Warwick District Local Plan 2011-2029
- DS5 - Presumption in Favour of Sustainable Development
- H0 - Housing
- H1 - Directing New 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
- FW2 - Sustainable Urban Drainage
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)

- Air Quality & Planning Supplementary Planning Document (January 2019)
- Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - April 2019)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Holding objection subject to the provisions of comments from Conservation, WCC Highways, Private Sector Housing and Environmental Health

Ward Councillor Syson: Objection on the following grounds:

- Proposal is of inappropriate design, height, mass given it is sited in a conservation area with adjacent listed buildings
- It will have a harmful amenity impact on neighbouring properties
- The redevelopment of the property to the rear will have a harmful amenity impact on neighbouring properties and may contravene the Article 4 Direction on HMOs
- No.24 is one in a line of villas from No.20 to No.38 all of which are Grade II listed with the exception of Nos. 24, 32 and 34; notes on the listing refer to them as an architectural group
- The applicant's reference to No.31 and the permission that was approved is noted, however, it is also noted that there was a recent refusal which was subsequently dismissed at appeal for No.28 for a shorter rear extension than is proposed at No.24
- While alterations have been made to the previously withdrawn scheme for No.24, I still consider the height and length of the two storey building to be out of keeping in this conservation area and detrimental to the amenity of the neighbouring residents, particularly to the house at the rear of 22 Kenilworth Road
- The proposal would not accord with Local Plan policies BE1, BE3 and HE2 nor would it accord with Leamington NDP Policy RLS3
- The Planning Inspector's comments in determining the appeal for No.28 Kenilworth Road are also relevant
- Would the proposal contravene the Article 4 Direction on HMOs?
- While the efforts are appreciated to minimise the impact on neighbouring dwellings with smaller height and footprint than the previous proposal, a new garden space will replace the existing car park located at ground level between the rear extension and detached building; will the use of this space result in excess noise and disturbance particularly in the summer, to the immediate neighbours in the detached buildings to the rear of the adjacent properties?

WDC Conservation: In response to the revised Heritage Statement (May 2021) the original objection is maintained. The site makes an important contribution towards both the conservation area and the setting of Grade II listed buildings, which form an important architectural and historic group of Regency era Villas. In line with previous advice (in relation to both the previously withdrawn scheme and an earlier pre-application enquiry) the demolition of the two storey rear wing is opposed due to its historic interest and contribution towards the conservation area and setting of listed buildings, highlighting further the regularity in form and pattern of two storey rear service wings on this section of Kenilworth Road are

important and quintessential characteristics of this character area of the Leamington Spa Conservation Area, and that any new additions should remain entirely proportionate and subservient to the original house.

Safer Communities, Health & Community Protection: Holding objection maintained; although additional information regarding daylight/sunlight assessments has been received, the details used in the calculations and the calculation results have not been included within the report. On this basis it is not possible to corroborate the results. In other respects, there are no objections (in relation to road noise and/or amenity as a result of construction) subject to conditions in these regards in the event that planning permission is forthcoming.

Historic England: No comments to make; defer to WDC Conservation Officer

Waste Management: Comments made in relation to future bin provision requirements from August 2022

[Officer note: there is no policy basis or requirement on which to base these comments and as such this is taken as a 'no objection' until such times as an updated guidance document or SPD is published]

WCC Ecology: No objection subject to recommended conditions and notes in the event planning permission is forthcoming

LLFA: No objection subject to conditions in the event planning permission is forthcoming

WCC Landscape: Neutral; would like to see full details of the proposed landscaping (could be secured by condition in the event planning permission is forthcoming)

Open Space team: No objection

Private Sector Housing: No objection

WCC Highways: No objection

Public Response:

26 letters of objection raising the following comments:-

- This will lead to additional parking, particularly at the frontage since parking at the rear will be lost
- Demolition of the 20th century buildings might be acceptable but their replacement with large blocks for student accommodation is not
- This villa is a handsome building in a row of similar buildings in the conservation area
- The original extension should be retained and locally listed
- The proposal will detract from the enjoyment of neighbouring properties
- Proposal will cause noise and disturbance
- Proposal is overdevelopment
- The extensions are disproportionate in size to the existing building and a much smaller extension at No.28 Kenilworth Road was refused

- Proposals will intensify the use of the site and potentially impact on landscape and conservation aesthetics
- Proposed basement properties will not provide adequate daylight/air circulation to residents
- There will be a loss of privacy for existing neighbouring properties
- Proposals are overbearing
- There will be an impact on surrounding listed buildings
- The proposals do not accord with Leamington NDP (in particular RLS1 and RLS3)

51 letters of support raising the following comments:-
- The proposal is sympathetic to the surrounding area
- This would enhance the existing building
- The development would fit into the conservation area and street scene
- The proposal responds to a need for additional accommodation in the town
- Kenilworth Road is a key road into the town and it is imperative that the large substantial properties such as this are maintained and brought up to date
- These proposals are an improvement on the previously withdrawn scheme
- Development is proportionate as it does not vastly increase numbers above existing
- Added green spaces on the roof and around the site will greatly improve the minimal landscaping that exists currently
- This is on a main bus route so parking should not be a problem
- This development would have a significant effect on the local economy

Conservation Advisory Forum (CAF): Objection based on the following:-
- overdevelopment of the site;
- increase in bulk and mass;
- impacts on neighbouring listed buildings,
- impact on the street scene by reason of bins and car parking;
- loss of the building to the rear would have an impact on the Conservation Area since it makes a positive contribution and should therefore be retained; and
- the overall scheme is out of character with the area and would form a serious precedent
- The only benefit however would be the removal of the existing single storey addition

ASSESSMENT

Principle of development

Policy H1 of the Warwick District Local Plan 2011-2029 sets out where in the District new housing development will be permitted. H1a) allows such development within the Urban Areas, as identified in the policy and on the Policies Map.

Policy RLS1 of the Royal Leamington Spa Neighbourhood Plan (RLSNDP) supports proposals for new housing development within the Royal Leamington Spa Urban Area for certain types of development, including the re-use of previously

developed land and buildings when not in conflict with other development plan policies.

The site is within the Urban Area of Royal Leamington Spa and seeks to erect extensions and a replacement outbuilding for the purposes of accommodating new studio apartments, which is acceptable in accordance with the aforementioned policies. The proposal is therefore acceptable in principle, subject to an assessment of the other material considerations which are set out below.

Impact on heritage assets

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area…special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Policy HE1 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal. Policy HE2 sets out the presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area, stating that 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.

Policy RLS3 of the RLSNDP requires development proposals that are within or directly affecting a Conservation Area to assess and address their impact on their heritage significance. Proposals must demonstrate attention to particular criteria (as specified in the policy) where relevant.

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, while para.194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Paragraph 196 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.

As has been set out from the description of the site and surroundings, the application property is a detached Regency villa which, although unlisted, is within the Royal Leamington Spa Conservation Area, to whose character and appearance it undoubtedly makes a positive contribution, to the extent that it can be considered a non-designated heritage asset. The property is also located in the direct setting of a number of Grade II listed buildings (20, 22, 26 and 28

Kenilworth Road), all of which date from the same period and are constructed in the same style as the application site. Since the last application (which was subsequently withdrawn) the building has been considered for addition to the Council's Local List of Heritage Assets, the outcome of which is pending approval by the Head of Development Services.
Prior to any applications formally being submitted on the site, pre-application advice was sought from the Local Planning Authority and the advice from the Conservation Officer summarised that any forthcoming proposal should retain the historic rear wing which bears historic interest and demolition of this element would require strong justification. The first submission, which was subsequently withdrawn, proposed the demolition of the historic service wing and conservation advice reiterated an objection to the principle of demolition of the two storey service wing as well as the proposed bulk and mass of the proposed replacement scheme for the site.

This revised scheme, which does illustrate some reduction in the height of the proposed development, still proposes the loss of the historic service wing however. The Conservation Officer has once again highlighted the site's contribution towards both the conservation area and the setting of Grade II listed buildings, which form an important architectural and historic group of Regency era Villas. In line with previous advice, there is objection to the demolition of the two storey rear wing due to its historic interest and contribution towards the conservation area and setting of listed buildings, highlighting further that the regularity in form and pattern of two storey rear service wings on this section of Kenilworth Road are important and quintessential characteristics of this character area of the Leamington Spa Conservation Area, and that any new additions should remain entirely proportionate and subservient to the original house.

The revised Heritage Statement claims that the resubmitted scheme has sought to address concerns raised during the previous application, however the conservation advice has been consistent from the outset insofar as advising that any application that proposes to demolish the two storey historic service wing will be objected to.

There are elements within the Heritage Statement that officers do not disagree with; for example, that the most significant element of the existing building stems from its front façade, however it cannot be doubted that the existing rear wing holds significance that contributes towards the conservation area and setting of listed buildings. As set out above, the regularity in form and pattern of two storey rear service wings on this section of Kenilworth Road is a quintessential characteristic of this particular character area that should be retained and preserved. The existing two storey service wing also contributes towards the setting of adjacent listed buildings by retaining the regular rhythm of prominent villas with their original two storey rear extensions. The historic Regency Villas along the eastern side of Kenilworth Road form an architectural group and alterations that seek to undermine this character, including demolition of original rear wings, will inevitably cause harm to the setting of these listed buildings, their significance and the conservation area as a whole. It is noted that the Heritage Statement alludes to potential impact on designated heritage assets somewhat in point 3.27: *'there are a number of Listed Buildings which are located within close proximity to the application site, whose settings (and potentially also consequentially significance) may be susceptible to impact by proposals.'*

It is agreed that rear service wings are *'not a visually prominent component of the building'* – the very nature of a rear service wing means that they do not tend to be located on principal or prominent elevations, but this does not necessarily erode their significance or contribution towards the setting of heritage assets. In addition, whilst it is noted that views are an important consideration of the potential impact of proposals on heritage assets, as the Heritage Statement points out, setting is largely defined as the surroundings in which a heritage asset is experienced, which is therefore not limited to visibility or key visuals. Therefore, the existing historic service wing, which is very much legible in terms of its original appearance, contributes towards the overall rhythm and historic pattern of development to the eastern side of Kenilworth Road. This combined with the survival of historic fabric contributes towards the significance of these buildings as an architectural group, which should be preserved in order to preserve the character and appearance of the conservation area and setting of listed buildings.

Finally, whilst there may be some benefit associated with refurbishment works, the existing façade is not considered dilapidated and any benefits arising from this element of work does not outweigh the harm, which is considered less than substantial, caused via the demolition of the historic service wing and erection of a substantial structure of considerable depth to the rear. In terms of harm arising from the proposal and in reference to appendix 1 ('Scale of Harm'), it is likely that the proposal lies between high level and medium level harm. However, in either case, no additional public benefits have been presented in the revised Heritage Statement.

Taking all of the above into account, and together with the fact that the proposed scheme for redevelopment would neither be subservient nor proportionate in scale and massing to the original main house, officers consider the proposal fails to comply with the tests set out in the NPPF and fails to comply with the provisions of the relevant policies of the Development Plan. No public benefits have been identified to outweigh the level of harm and consequently the proposals are contrary to Policies HE1 and HE2 of the Warwick District Local Plan 2011-2029 as well as Policy RLS3 of the Royal Leamington Spa Neighbourhood Development Plan 2020-2029.

In making this assessment, officers have had regard to the weight that should be given to the desirability of preserving the special interest and setting of the heritage assets.

Visual impact / character of area

Policy BE1 of the Local Plan requires new development to positively contribute to the character and quality of its environment through good layout and design. Certain ways through which this can be achieved are (inter alia) for development proposals to harmonise with, or enhance, the existing settlement in terms of physical form, to reinforce or enhance the established urban character of streets, reflect, respect and reinforce local architectural and historical distinctiveness, enhance and incorporate importance existing features into the development, respect surrounding buildings in terms of scale, height, form and massing; and to adopt appropriate materials and details. This is reinforced by over-arching design

rationale and a number of guiding principles which are set out within the Council's adopted Residential Design Guide (2018).

Policy RLS2 of the RLSNDP encourages development proposals to adopt higher environmental standards of building design and energy performance. The use of 'Building for Life' or an equivalent assessment framework, should be demonstrated in the justification of proposals.

The rear extensions now proposed have been reduced in height from the earlier submission. However, the plan depth remains broadly the same and this is proposed to be substantially taller than the flat roof single storey element that occupies the site presently. Notwithstanding the heritage concerns surrounding the proposals, there are also concerns from a general design and layout point of view, having regard to Policy BE1 and the general principles contained within the RDG, which expect extensions to be subservient and proportionate in scale and nature.

While the issue of subservience, in the first instance, is intended for proposals to the sides of original dwellings to ensure that extensions are read as extensions and do not compete with or dominate the original property and/or lead to a potential terracing effect in the street scene, it is equally important that extensions to the rear, particularly in sensitive areas such as this, respect the original character of the building and have regard to the overall scale and massing of the building being extended.

While the reduction in height is acknowledged in this resubmission, it is still of an overall scale, mass and bulk which, when considered with the overall plan depth, is substantial when read against the original form and context of the main house.

The proposed rear extension, as illustrated in the submitted plans, would appear disproportionate in scale, and imbalanced having regard to its plan depth when compared to the original villa. Notwithstanding the reduction in height from the earlier withdrawn scheme, the extent of the plan depth which proposes a substantial increase in height over and above the built form which presently occupies the site would result in harm to the character of the site and surrounding area by reason of the cumulative impact arising from increased scale, mass an bulk. Overall, officers consider the development would be visually harmful to the general character of the area and for these reasons consider the proposal fails to comply with Policy BE1 of the Local Plan as well as the Residential Design Guide.

The replacement detached building is, on balance, considered acceptable in visual terms, given that the scheme has been reduced in form and is now not dissimilar in overall scale, mass and bulk to the building it seeks to replace, albeit it is of a different design.

Notwithstanding the above considerations in respect of the extensions, no objection is raised to the proposed materials annotated on the submitted plans and in the event planning permission were forthcoming it would be appropriate to impose a materials samples condition given the site's location in the conservation area.

<u>Impact on neighbouring / residential amenity</u>

Policy BE3 of the Local Plan requires development not to have an unacceptable adverse impact on the amenity of nearby uses and residents as well as providing acceptable standards of amenity for future users and occupiers of the development.

Impact on existing neighbouring properties

Nos. 22 and 26 (to the south and north respectively) are the closest neighbouring properties. While it is acknowledged that the replacement extensions would breach the 45° line taken from the rear facing window of No. 26 which is closest to the proposals, the point at which the breach occurs is more than 8 metres away and is therefore considered acceptable in terms of the level of impact with regard to overbearing and loss of light in accordance with the guidance contained in the RDG. The same applies to No.22, where the point at which the breach occurs also exceeds 8 metres so while there may be some impact resulting from the increased scale, mass and bulk of the proposals, this is considered acceptable from a neighbour amenity perspective.

In the case of the replacement detached building, consideration has been given to any *increased* impacts that might occur over and above the existing situation in view of the fact there is already a dwelling in this location which has a similar height and width and is positioned on broadly the same footprint. Since the revised proposals have reduced the overall scale and massing of this element of the proposals to a degree which is now not dissimilar to the existing, officers are of the view that there would be no additional or harmful impacts to neighbouring amenity as a result of the development proposals.

Provision of acceptable living conditions for future occupiers

The development proposes 33 studio flats within a purpose-built extension and a replacement detached outbuilding. The distance separation guidelines require two storey buildings where the first floor comprises habitable accommodation other than bedrooms to be 27 metres from another two storey dwelling. In the case of the proposal, the distance between the end of the extension (where a window would face towards the replacement detached building) and the replacement building measures less than 15 metres. This is significantly below the required standard and consequently officers are of the view this would lead to an unacceptable impact for future occupiers by reason of overlooking and loss of privacy as well as a loss of outlook and a sense of overbearance for occupiers of both buildings.

The proposed extensions to the main building include a basement. This application was accompanied by a daylight and sunlight amenity study to appraise the development in accordance with current guidance. For the avoidance of doubt, daylight is defined as the amount of natural light entering a building to provide satisfactory illumination of internal accommodation, whereas sunlight refers to direct sunshine on the outside face of the window.

The submitted report has been assessed by the Environmental Health Officer (EHO) who acknowledged all the information received but concluded that since the lower ground floor rooms would only be served by one window, further information would be needed to demonstrate that natural light can penetrate to the depth of the room to enable normal domestic tasks to be completed without

reliance on artificial lighting during typical daylight hours. A Room Depth test was therefore requested for the lower ground floor rooms, and further documentation in this regard was subsequently submitted.

However, the EHO, having assessed this, confirmed that while the submitted document confirmed compliance with the light ingress criteria, the details used in the calculations and the calculation results had not been included within the report and as such could not be corroborated. While the calculation inputs were requested so that EHO could verify them and formally remove their holding objection to the proposals, this information has not been forthcoming as part of the application process and accordingly officers are not satisfied that there is sufficient information provided with the application to demonstrate that future occupiers would have a satisfactory living environment in terms of daylight and sunlight to the basement level of accommodation.

Having regard to the above, while there are some elements of the scheme to which no objection is raised, officers do not consider the proposals wholly comply with the provisions of Policy BE3 of the Warwick District Local Plan and the Residential Design Guide.

Access and parking / Highway safety

The existing access would be utilised to serve the development. There is already hardstanding to the frontage where a number of vehicles can be accommodated though this is not marked out formally. No objection has been raised to the development from the Highway Authority who make reference to the Technical Note submitted with the previously withdrawn scheme that included a Parking Survey which demonstrated to the satisfaction of the Highway Authority that sufficient on street parking availability exists within a reasonable distance to accommodate any increased demand from the proposal. Moreover, nothing has materially changed in the intervening time, either at the site, or in respect or the on-street parking within the area. The response of the Highway Authority therefore remains one of no objection.

Overall officers do not consider there would be any detriment to highway safety and as such are satisfied the proposals comply with Policies TR1 and TR3 of the Local Plan as well as the adopted Parking Standards SPD.

Other matters

Affordable Housing
Policy H2 states that residential development on sites of 11 or more dwellings or where the combined gross floor space is more than 1,000 sq.m will not be permitted unless provision is made for 40% affordable housing. Planning permission will not be granted until satisfactory arrangements have been made to secure affordable housing as determined by principles which are set out within the policy.

The building is currently used as a HMO providing student accommodation but since the redevelopment would result in the building being laid out as 33no. individual and self contained studio flats, Policy H2 is applicable and the proposal would trigger the requirement for affordable housing. The proposal makes no provision for affordable housing and as such, officers do not consider the

development makes sufficient provision for the inclusive and mixed communities which the policy and its purposes seek to encourage. To that end, the development is considered contrary to Policy H2 of the Local Plan.

Drainage and Flooding
There are no flooding and drainage concerns with the development. The LLFA raised no objection to the scheme subject to two conditions which could be imposed in the event planning permission were forthcoming.

Landscaping
The County Landscape Officer noted that the soft landscape proposals seem very minimal and to that end full details should be submitted. In the event permission were forthcoming a landscaping scheme could be conditioned with advisory notes added to draw attention to the particular comments of the Landscape Officer.

Waste Management
Bin storage is proposed to the front of the site, where wheelie bins are currently stored, but in a secure storage area intended to improve the appearance of the site's frontage. No objection is raised to the proposal by the Waste Management team and officers consider the development is acceptable in this regard.

Other
In the event planning permission were forthcoming officers consider it would be appropriate to impose the standard condition requiring the submission of details of electric vehicle charging points in accordance with the Air Quality and Planning SPD. This would be a pre-occupation condition.

No objections were raised to the development from the County Ecologist who recommended conditions in the event planning permission were forthcoming, as well as an advisory note.

It is noted also, that in the event that planning permission were forthcoming, EHO recommended a condition for a Construction Management Plan due to the close proximity of the development to existing residential dwellings that could be adversely impacted by the demolition of the existing structures and the construction of the proposals.

SUMMARY/CONCLUSION

The proposal to create new dwellings in this location is acceptable in accordance with Policy H1 of the Local Plan and RLS1 of the Royal Leamington Spa Neighbourhood Development Plan. However, notwithstanding the principle of development being acceptable, this is subject only to the other material planning considerations also being considered acceptable. In this case in particular, the subject building, though unlisted, is located within the Royal Leamington Spa Conservation Area to whose character and appearance it undoubtedly makes a positive contribution, to the extent that it can be considered a non-designated heritage asset.

The building makes its positive contribution to the character and appearance of the conservation area through the regularity in form and pattern of two storey rear service wings on this section of Kenilworth Road, which is a quintessential

characteristic of this particular character area of the conservation area. Moreover, while the building itself is unlisted, the two storey service wing contributes towards the setting of adjacent listed buildings by retaining the regular rhythm of prominent villas with their original two storey rear extensions. Though demolition is sought of the historic service wing and not the building in its entirety, this would still cause less than substantial harm to the significance of the conservation area. No public benefits have been identified to outweigh this harm and accordingly the development would be contrary to Policies HE1 and HE2 as well as the relevant provisions of the NPPF and Policy RLS3 of the Neighbourhood Development Plan.

The proposed extensions to the main building, by reason of their scale, mass and bulk are considered to be disproportionate in scale and imbalanced having regard to their plan depth when compared to the original villa, resulting in harm to the character of the site and surrounding area. The development is therefore considered contrary to Policy BE1 and the Residential Design Guide. It should be noted however that officers raise no objection in design terms to the proposed replacement building at the rear of the site.

The proposal would fail to provide a satisfactory living environment by reason of overlooking, loss of outlook and a sense of overbearance through substandard distance separation being achieved internally within the development, particularly having regard to the relationship between the east facing end elevation of the proposed extension and the west facing elevation of the proposed replacement detached building at the end of the plot (presently known as 'Cariad Cottage'). The development is therefore considered contrary to Policy BE3 and the Residential Design Guide.

Insufficient information has been provided (that can be corroborated by EHO) to satisfactorily demonstrate that future occupiers would have a suitable living environment in terms of daylight and sunlight to the basement level of accommodation. The development is therefore considered contrary to Policy BE3 and the Residential Design Guide.

The proposal also conflicts with Local Plan Policy H2 due to the lack of provision for affordable housing.

Matters related to highway safety, parking, drainage, bin storage and ecology are all considered acceptable and in the event planning permission were forthcoming conditions and advisory notes in these respects could be attached to any decision notice. However, for the reasons set out above, it is recommended that planning permission be refused.

REFUSAL REASONS

1 Policy HE2 of the Warwick District Local Plan 2011-2029 states that there is a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a conservation area and that 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.

Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In addition, Neighbourhood Plan Policy RLS3 requires development proposals that are within a Conservation Area to assess and address their impact on their heritage significance, demonstrating attention in particular, to the proposed building type and style in relation to the character area in which it is located and its distinguishing features; building height and scale sympathetic to the local setting and how the development interfaces with and respects the significance of listed buildings and non-designated heritage assets.

In the opinion of the Local Planning Authority the building makes a positive contribution to the character and appearance of the conservation area by reason of the regularity in form and pattern of two storey rear service wings on this section of Kenilworth Road, which is a quintessential characteristic of this particular character area of the conservation area. Moreover, while the building itself is unlisted, the two storey service wing contributes towards the setting of adjacent listed buildings by retaining the regular rhythm of prominent villas with their original two storey rear extensions. Though demolition is sought of the historic service wing and not the building in its entirety, this would still cause less than substantial harm to the significance of the conservation area.

Furthermore, the proposed replacement extension, by reason of its scale, mass and bulk, is considered to be disproportionate in scale and imbalanced having regard to its plan depth when compared to the original villa, resulting in further harm to the character and appearance of the conservation area.

No public benefits have been identified to outweigh the harm that has been identified.

The proposals would thereby be contrary to the aforementioned policies.

2 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 the environment through good layout and design. Furthermore the Residential Design Guide SPD provides a detailed framework which should be followed in order to achieve good design.

The 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.

In the opinion of the Local Planning Authority the proposed extensions to the main building, by reason of their scale, mass and bulk are considered to be disproportionate in scale and imbalanced having regard to their plan

depth when compared to the original villa, resulting in harm to the character of the site and surrounding area.

The development is thereby considered to be contrary to the aforementioned policies.

3 Policy BE3 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that does not provide acceptable standards of amenity for future users and occupiers of the development. Furthermore, the Residential Design Guide Supplementary Planning Document provides more detailed guidance.

In the opinion of the Local Planning Authority the proposal would fail to provide a satisfactory living environment by reason of overlooking, loss of outlook and a sense of overbearance through substandard distance separation being achieved internally within the development, particularly having regard to the relationship between the east facing end elevation of the proposed extension and the west facing elevation of the proposed replacement detached building at the end of the plot (presently known as 'Cariad Cottage').

The proposal is thereby considered to be contrary to the aforementioned policies.

4 Policy BE3 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that does not provide acceptable standards of amenity for future users and occupiers of the development. Furthermore, the Residential Design Guide Supplementary Planning Document provides more detailed guidance.

In the opinion of the Local Planning Authority insufficient information has been provided to satisfactorily demonstrate that future occupiers would have a suitable living environment in terms of daylight and sunlight to the basement level of accommodation.
The proposal is thereby considered to be contrary to the aforementioned policies.

5 Policy H2 of the Warwick District Local Plan 2011-2029 states that residential development on sites of 11 or more dwellings will not be permitted unless provision is made for 40% affordable housing.

In the opinion of the Local Planning Authority the redevelopment of the site would result in the creation of 33no. studio flats without making any provision for affordable housing, thus failing to provide for inclusive and mixed communities.

The development is thereby considered to be contrary to the aforementioned policy.

Planning Committee: 20 July 2021 **Item Number: 10**

Application No: W 21 / 0332

Registration Date: 11/06/21
Town/Parish Council: Warwick **Expiry Date:** 06/08/21
Case Officer: Thomas Fojut
01926 456539 thomas.fojut@warwickdc.gov.uk

7 Cape Road, The Cape, Warwick, CV34 4JP
Erection of outbuilding for use as fitness studio/ home office FOR Ms E Jackson

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This application is being presented to Planning Committee as the spouse of the applicant is a WDC Councillor.

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 outbuilding for use as fitness studio/home office.

THE SITE AND ITS LOCATION

The application property is a three storey mid-terraced dwellinghouse located on the west side of Cape Road, Warwick. The property is located within the Warwick Conservation Area.

The west side of the road is characterised by Victorian terraced houses (including the application property) with the east side of the road comprising of commercial properties, flats and dwellings of a different property type.

PLANNING HISTORY

W/12/0952 - Erection of single storey rear extension, alterations to front dormer, construction of rear facing dormer window and construction of raised decking to the rear of the property - Granted, September 2012.

W/12/0953/CA - Proposed single storey extension to rear, internal alterations and aesthetic improvements to front dormer - Permission not required, August 2012.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- 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)

SUMMARY OF REPRESENTATIONS

Warwick Town Council - No objection.

Conservation and Design - No objection.

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 street scene, including the character and appearance of the Conservation Area.
- Impact on the amenity of neighbouring uses.

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 proposed outbuilding is to be located at the end of the rear garden and is to be a simple single pitch timber framed and timber clad structure. By reason of its form, scale, appearance and siting it is considered that it would sit comfortably in this location. The Conservation Officer raises no objection to the proposal and considers that the proposal would cause no adverse impact to the appearance and character of the conservation area.

It is considered that the proposals are in keeping with the character and appearance of the application property and Conservation Area and comply with the NPPF and Local Plan Policies HE1 and BE1.

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.

The proposal 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.

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) 'GARDEN ROOM ELEVATIONS AND FLOOR PLAN', 'BLOCK PLAN' and specification contained therein, submitted on 22nd February 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.

Planning Committee: 20 July 2021 **Item Number: 11**

Application No: W 21 / 0368

Registration Date: 26/02/21
Town/Parish Council: Warwick **Expiry Date:** 23/04/21
Case Officer: Rebecca Compton
01926 456544 rebecca.compton@warwickdc.gov.uk

21 Vine Lane, Warwick, CV34 5BD

Application for the variation of Condition 2 (approved plans), removal of Condition 10 (garages shall not be used for any purpose other than for the storage of a private motor vehicle) and the removal of Condition 14 (Traffic Regulation Order restricting parking permits) of planning permission ref: W/14/0887 (Erection of 2no. 2no. bedroomed dwellings) to incorporate changes to the scheme including new decking, rear fence, changes to the internal size of garages and to remove the requirement for a Traffic Regulation Order restricting parking permits FOR Anto Gerard Ltd

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This application has been requested to be presented to Planning Committee by Councillor Morris.

RECOMMENDATION

Planning Committee is recommended to refuse this application for the reasons set out at the end of the report.

DETAILS OF THE DEVELOPMENT

This application seeks the variation of Condition 2 (approved plans), the removal of Condition 10 (garages shall not be used for any purpose other than for the storage of a private motor vehicle) and the removal of Condition 14 (Traffic Regulation Order) of application W/14/0887 - Erection of 2no. 2 bedroomed dwellings.

This application seeks to regularise changes to the approved scheme including the installation of decking and steps to the rear garden, the erection of fencing to the side and rear boundary. In addition, due to internal reconfiguration in the final build, the garages as built are 2.2m in width at the narrowest point for a length of 2.2m rather than 3m in width as approved. The removal of restrictions to parking permits is also sought.

The scheme approved under W/14/0887 remains extant and only the variation of condition 2 and removal of conditions 10 and 14 will be considered below.

THE SITE AND ITS LOCATION

The application site previously contained two unattractive lock up garages which project forwards of the buildings each side, following a bend in the road. The site now benefits from a pair of semi-detached modern dwellings that were granted planning permission under application W/14/0887. The site lies between terraces

of modern development each side fronting Vine Lane, whilst there are Victorian terraces to the rear on Paradise Street, and 1950/60's houses and bungalows opposite. The site is within a residential area close to the hospital.

PLANNING HISTORY

W/14/0887 - Erection of 2no. 2 bedroomed dwellings - Granted

A Non material amendment was approved to the above permission incorporating the following design changes: the building has been narrowed slightly, the two front doors have been amended to windows, the style of the garage doors has been altered and the glazing bars originally shown on the windows have been omitted.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- TR3 - Parking
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection, but comment regarding lack of parking for the development.

Councillor Dave Skinner: Objects due to concerns over parking and removal of TRO.

WCC Highways: Raise no objection in terms of highway safety but comment that as the parking survey was undertaken during a period of lockdown, it is unlikely to show an accurate depiction of the parking demand in the area.

Public Response: 7 letters of objection have been received on the following grounds:

- Impact on parking stress in the area
- Parking survey not accurate
- Impact on neighbouring amenity in terms of light, outlook and privacy caused by decking
- Fencing creates an overbearing impact and results in loss of light and outlook
- Original ground levels not accurate on drawings

ASSESSMENT

Impact on the character and appearance of the area

Local Plan Policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals should demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form so that the established character of the street scene is respected. Policy BE1 states that in order to do this the development should adopt appropriate materials and details and respect the surrounding buildings in terms of scale, height, form and massing.

The application seeks retrospective permission for the erection of decking and steps to the rear garden together with new boundary fencing. The fencing is contained to the rear of the building and limited views would be available from within the street scene. The decking and steps would not be visible as they sit at a lower level to the street.

The decking and fencing are considered of an acceptable design which does not detract from the character or appearance of the area.

This element of the proposal is considered to comply with Local Plan Policy BE1.

Impact on the extensions on the amenity of neighbours and the future occupiers of the proposed development

Warwick District Local Plan Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users and occupiers of the development.

Several objections have been received from neighbouring properties raising concerns over the impact of the rear decking, steps and fencing on the amenity of neighbouring properties in terms of light, outlook and privacy. In respect of the decking, it is set 300mm lower than the floor level of the existing single storey rear element of the new dwelling. The buildings along Vine Lane sit at a higher land level to the buildings situated on Paradise Street, which is to the rear of the application site. As the decking is set at a lower level to the existing building, when stood on the decking, views into the neighbouring gardens to the rear of the site are limited and the fencing also provides suitable screening to limit loss of privacy to neighbouring dwellings at the rear. There is full height fencing to the side boundary of both properties and so views into the adjacent neighbouring properties at No.1 Vine Court and No.19 Vine Lane are also very limited. Officers are satisfied that the decking does not result in a material loss of privacy to the neighbouring properties at the rear or side.

The fencing installed for which permission is sought is 2.3m in height from the original ground level, and 1.95 above the decking, at its tallest point according to the site section drawing that has been provided by the applicant. Concerns have been raised by occupiers of neighbouring properties to the rear of the site along Paradise Street that the fencing has a negative impact on light and outlook and

has an overbearing impact on neighbouring properties to the rear. The case officer has conducted a site visit to the properties from the rear to assess the impact of the fencing on the neighbouring properties and considers that the fencing has an acceptable impact on light or outlook as the fence is read in the context of the existing dwellings on Vine Lane that are 2 storey and sit at a higher land level to Paradise Street.

Officers are also not of the opinion that the fencing has an overbearing impact on the properties at the rear along Paradise Street. The fencing is situated to the rear of the fencing serving the rear gardens along Paradise Street. The fencing is read against the existing fencing serving these neighbouring properties and is also read in the context of a pair of semi-detached dwellings and neighbouring buildings that sit at an elevated position to the rear of the site owing to the level changes. Officers are also mindful that the fencing is approximately 30cm over the 2-metre height that could be erected under permitted development from the natural ground level. A fence of 2m would be visible over the neighbour's fence due to the increase in land levels from Paradise Street and therefore on balance it is considered that the additional 30cm would not have an unacceptable or detrimental impact on the neighbouring properties that would warrant the refusal of the application.

The proposals comply with Local Plan Policy BE3.

Parking

Warwick District Local Plan Policy TR3 states that development will only be permitted that makes provision for parking which does not result in on-street car parking detrimental to highway safety. Development will be expected to comply with the parking standards set out in the most recent Parking Standards SPD.

The Parking Standards SPD states that where requirements for parking cannot be reasonably be achieved within the site, the submission of a parking survey is required with any planning application. The parking survey is expected to comply with the methodology set out in Appendix A of the Parking Standards SPD.

The previously approved development for 2 dwellings provided no off-street parking and was granted with 2 parking spaces accommodated in internal garages and a TRO restricting parking permits both of which were secured by condition.

Removal of Condition 10:

The previously approved development accommodated 1 parking space per dwelling via an internal garage. The garages as originally approved were 3m in width and 5m in depth, which was considered an acceptable size to accommodate a car at the time. However, the Council's Parking Standards SPD which was adopted after the original development was approved now sets out the size dimensions that would be required for an internal garage at 4m width and 6.5m depth to accommodate a car. It is accepted that the original application approved the garages at a width of 3m which is now lower than what is considered an acceptable width to accommodate a car in accordance with the SPD. On this basis officers are satisfied that the garages as approved, and even more so as built, cannot reasonably be required to contribute to the parking provision for the site.

Officers therefore consider that Condition 10 of the original permission which requires the internal garages to be used solely for the parking of cars can be removed as Officers are no longer satisfied it is of a suitable size for the parking of a car. Therefore, there is no objection to the removal of condition 10.

Removal of Condition 14:

The proposal seeks to remove Condition 14 of the planning permission that secured a TRO for the original development to restrict future occupiers from obtaining a parking permit in the Resident's Permit Zone. Under the original application it was considered that the demand for additional parking resulting from the development would lead to a potential amenity issue for local residents and so restricting the development from applying for parking permits was considered appropriate in this case given that sufficient off street parking provision was not provided.

The location of the site is within walking distance of the town centre, local services (schools, hospital, etc.) and rail station/bus links. This application has been accompanied by a parking survey to demonstrate that there is suitable capacity on-street within a reasonable walking distance to accommodate the parking requirement for the site. The Highways Authority have been consulted and whilst they raised no objection to the removal of the TRO in highway safety terms, they did comment that as the parking survey had been conducted during the Covid 19 pandemic it does not give a reliable assessment of parking demand in locations within walking distance of Town Centres as the Highways Authority have seen a reduction in parking demand in these areas.

Given the current situation with Covid-19 and the impact that it has had on travel habits and the closure of various community uses, and given the proximity of the site to the town centre, local services (schools, hospital, etc.) and rail station/bus links, it is considered that a parking survey conducted at this time does not provide an accurate representation of parking demand within the locality to support the removal of the TRO attached to the original planning application. This is also exacerbated by the loss of 2 parking spaces that were provided by the internal garages that are no longer considered suitable for the parking of a vehicle. Objections from the public have been submitted in relation to this.

Appendix A of the Parking Standards SPD states that residential parking surveys should be undertaken when the highest numbers of residents are at home, generally late night during the week. It is also stated that additional surveys may be required where a proposed development would be located close to land uses which may increase parking demand at certain times. For example:

- Town centre locations
- Regular specific uses close to the site (e.g. Place of Worship, community hall, sports club): additional surveys should be undertaken when these are in operation.
- Commercial uses close to the site: morning and early evening surveys may also be required due to conflict with residential parking. In these cases, surveys between the hours of 07:00 - 08:30 and 18:00 - 19:00 may be required, noting the amount of parking on a 15-minute basis over this time.

- Railway stations/other areas of commuter parking: additional morning and evening peak hour surveys will be required to assess the impact of commuter parking. These should be done between 07:00 - 08:00 and 17:30 - 18:30.

A parking survey has been conducted during the evenings of two weekdays in line with the methodology set out in the Parking Standards SPD. The application site is located within close proximity to land uses which would attract visitor and commuter parking within a 200-metre walking distance of the site such as Warwick Hospital and Warwick Train station. The site is also within walking distance of Warwick Town Centre. It is considered likely that all of the aforementioned uses would generate demand for on street parking within a 200 metre walking distance of the application site, essentially within those roads which would be included in parking survey carried out in support of the proposed development in accordance with the Lambeth Methodology set out in Appendix A of the Parking Standards SPD.

Objectors to the proposal consider that attention should be given to these uses, and the parking demand generated from them, via the submission of an additional parking survey which surveys the area at time when these uses attract visitors to the area i.e. not within the early hours of the morning which is when the survey for this application took place.

It is considered that whilst the submitted survey may demonstrate that there is capacity for the additional cars to be parked during the night somewhere within part of the walking distance of 200 metres from the site, the survey does not sufficiently demonstrate that there is capacity at peak times during the day when demand generated by nearby commercial and community uses is at its peak.

It is considered that for the reasons discussed above, the applicant has provided insufficient information to be able to determine that the impact of the proposed development on parking stress and residents' amenity would be acceptable. The proposal fails to satisfy the criteria of Policy TR3 of the Local Plan and as such the proposal to remove the TRO is not supported.

Conclusion

The development has not demonstrated that there is adequate capacity on-street within a 200m radius of the site to accommodate the additional parking demand resulting from the development at peak times of the day owing to nearby uses that would likely result in an increased demand for parking at peak times. On that basis the development would have an unacceptable impact on the amenity of neighbouring dwellings through additional parking stress.

REFUSAL REASONS

1 Policy TR3 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which makes provision for parking in accordance with the adopted Parking Standards SPD. Local Plan Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

In the opinion of the LPA, in the absence of a Parking Survey which has been carried out in accordance with the requirements of the adopted Vehicle Parking Standards SPD and which demonstrates that there is sufficient capacity in the area for on-street parking at times of peak parking stress to accommodate the shortfall in parking for the development, it is considered that the development would lead to additional demand for limited spaces which would be harmful to the amenity of local residents by reason of parking stress. The proposal is therefore considered to be contrary to the aforementioned policies.