

A meeting of the above Committee will be held at Shire Hall, Market Place, Warwick on Thursday 18 April 2024, at 6.00pm.

Councillor A Boad (Chairman)
Councillor N Tangri (Vice Chairman)

Councillor M Collins
Councillor L Cron
Councillor R Dickson
Councillor B Gifford
Councillor M Luckhurst
Councillor R Margrave

Councillor R Noonan
Councillor P Phillips
Councillor J P Sullivan
Councillor L Williams
Labour Vacancy

Emergency Procedure

At the commencement of the meeting, the emergency procedure for Shire 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.

3. **Site Visits**

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

Part B – Planning Applications

To consider the following reports from the Head of Place, Arts and Economy:

4. **W/23/0824 – Land at, Goggbridge Lane, Hampton Road, Warwick**
(Pages 1 to 36)
*****MAJOR APPLICATION*****
5. **W/23/1775 – 24 Kenilworth Road, Royal Leamington Spa**
(Pages 1 to 21)
6. **W/24/0044 – Flat 3, 62 Bath Street, Royal Leamington Spa**
(Pages 1 to 6)

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General Enquiries: Please contact the Committee Services team via email at committee@warwickdc.gov.uk. Alternatively, you can contact us at:

Warwick District Council, Town Hall, Parade, Royal Leamington Spa, CV32 4AT or telephone 01926 456114.

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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Application No: [W 23 / 0824](#)

Town/Parish Council: Warwick
Case Officer: Adam Walker
01926 456541 adam.walker@warwickdc.gov.uk

Registration Date: 07/07/23
Expiry Date: 06/10/23

Land at, Goggbridge Lane, Hampton Road, Warwick

Development of 67 dwellings with access, parking and associated infrastructure.
FOR Taylor Wimpey UK Limited

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

The application was withdrawn from the March 2024 committee agenda to allow for some additional time to resolve flood risk and drainage matters.

RECOMMENDATION

Planning Committee is recommended to GRANT planning permission, subject to the satisfactory resolution of flood risk/drainage matters as discussed within this report, the imposition of conditions as detailed at the end of this report, and subject to the completion of a Section 106 Agreement to secure the necessary financial contributions/obligations (including any variation to, or clarification of, the sums requested where the revised sums are agreed by the relevant consultee and meet the relevant statutory test).

Should a satisfactory Section 106 Agreement not have been completed within 4 months of the date of Committee or in the opinion of Officers, insufficient progress has been made within this period to warrant the agreement of additional time to complete the Agreement, Planning Committee are recommended to delegate authority to the Head of Place, Arts and Economy 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 erection of 67 dwellings on land at Goggbridge Lane in Warwick.

The proposal is a resubmission of application W/22/0400 which was for the development of 69 dwellings on the site. That application was refused by the Warwick District Planning Committee in March 2023.

The proposed development would provide 40 open market dwellings and 27 affordable dwellings. The properties would range in size between 1 and 4 bedrooms. There would be a mixture of detached, semi-detached, terraced and

maisonette type properties. The dwellings would be predominately 2 storeys in height, with a small proportion of 2.5 storey properties (8no.).

The development would be served by a combination of five separate points of access off Goggbridge Lane. There would be two adoptable roads forming priority junctions onto Goggbridge Lane, one of which would utilise an existing access point (adopted turning head). The other three accesses would be shared private driveways each serving a maximum of 5 dwellings.

An attenuation pond is proposed to the southern end of the site for the on-site SuDS provision.

There have been amendments to the scheme during the course of the application. There was a substantial amendment to the proposed site layout which sought to improve noise issues by no longer having properties backing directly onto the western boundary where the A46 runs parallel to the site; this resulted in a wholesale revision of the site layout. There have also been other amendments to the scheme to address urban design issues and consultee comments, including from Housing Strategy. As a consequence of these changes the overall quantum of development has been reduced from 69 to 67 dwellings.

THE SITE AND ITS LOCATION

The application site comprises of a parcel of vacant grassland to the west of Goggbridge Lane, Warwick. The site is just over 2 hectares in size and forms a linear piece of land that narrows from south to north. It has a gentle gradient that rises up gradually from the south towards the north. The site is currently fenced off from Goggbridge Lane by high timber fencing.

To the east of the site, on the opposite side of Goggbridge Lane, is existing residential development that was constructed around 2007. To the west is the A46 which runs parallel to the site and sits on a raised embankment. The northern boundary flanks open grassland that rises up away from the application site. To the south is an existing care home access that also forms the access to an electrical substation. Beyond the substation to the south lies the Tournament Fields employment development.

The site is allocated within the Local Plan as an existing Major Employment Commitment, forming a residual part of the Tournament Fields Allocation.

PLANNING HISTORY

W/22/0400 - Development of 69 dwellings with access, parking and associated infrastructure - Refused

The above application was refused on the following grounds:

1. Policy BE3 of the Warwick District Local Plan 2011-2029 states that development which does not provide acceptable standards of amenity for future users and occupiers of the development will not be permitted.

In the opinion of the Local Planning Authority, the proposal would fail to provide acceptable standards of amenity for future occupiers by reason of noise and air pollution due to the proximity of the A46 and inadequate mitigation together with inadequate levels of light and outlook due to the height and proximity of the acoustic fence. The proposal also fails to provide on-site public open space.

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

2. Warwick District Local Plan 2011 - 2029 Policy FW1 (Reducing Flood Risk) requires development to be resilient to flooding and reduce flood risk. Hydraulic modelling required prior to determination of the application has not been submitted. The proposal is therefore considered contrary to Policy FW1.

3. Warwick District Local Plan 2011 - 2029 Policy EC3 (Protecting Employment Land & Buildings) states that the redevelopment or change of use of existing and committed employment land and buildings for other uses will not be permitted unless certain exceptions are satisfied. In the opinion of the Local Planning Authority, inadequate justification has been submitted to conclude that the exceptions in the policy have been satisfied and therefore the proposal is considered to be contrary to Policy EC3.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- DS1 - Supporting Prosperity
- DS2 - Providing the Homes the District Needs
- DS3 - Supporting Sustainable Communities
- DS5 - Presumption in Favour of Sustainable Development
- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- BE5 - Broadband Infrastructure
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HE4 - Archaeology
- HS1 - Healthy, Safe and Inclusive Communities
- HS3 - Local Green Space
- HS4 - Improvements to Open Space, Sport and Recreation Facilities

- HS5 - Directing 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
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- EC3 - Protecting Employment Land and Buildings

Guidance Documents

- Affordable Housing (Supplementary Planning Document - June 2020)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Open Space (Supplementary Planning Document - April 2019)
- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: The Town Council maintains its objection from the previous application (W/22/0400) on the ground of overdevelopment of the site. The Town Council also objects on the ground that the proposed development does not provide acceptable standards of amenity for future occupiers in terms of noise and poor air quality due to the proximity of the A46. Mitigation measures are not sufficient to overcome this.

WDC Arboricultural Officer: No objection. A condition is recommended requiring the development be carried out in accordance with the submitted Arboricultural Impact Assessment.

WDC Contract Services: No objection. Condition recommended to ensure all bin collection points are of a sufficient size.

WDC Green Space Team: Object on the basis of a lack of public open space provision on the site and reliance on off-site provision. Comments made in relation to the detailed design of landscaping and the SuDS feature, with clarification on such matters sought from the developer.

WDC Housing Strategy: A policy compliant level of affordable housing is proposed and the tenure and bedroom mix of the affordable units are acceptable. The proposed affordable units are generally well distributed through the development, although the northern cluster of 10 units slightly exceeds the 5-8

unit clusters recommended in the Affordable Housing SPD. Amendments to improve the scheme have been made since the application was submitted to increase the size of some of the affordable units. The one bedroom ground floor maisonette (Allstead/Bamstead house type) does however remain particularly small and is not supported. The market mix has been improved slightly but it remains that there are not any one bed units and an over provision of four bed units. The applicant has confirmed that all units meet M4(2) accessibility standard which is welcome. Overall, most of the original concerns raised by Housing Strategy have been addressed and on balance it is not considered that the remaining issues regarding the clustering, size of the ground floor maisonette units and the market mix are sufficiently serious to sustain an objection.

WDC Environmental Protection Officer: The impacts of road traffic noise are situated towards the higher end of the adverse effect gradient. This represents a less desirable living environment and skirts the threshold of unacceptable noise impacts. While the noise can be mitigated by closed windows and alternative ventilation, this can have unwanted impacts on amenity and general living conditions. This should form part of the planning balance of the scheme. With regards to air quality, the applicant's exposure assessment report confirms that future residents will not be exposed to unacceptable air pollutants and therefore no further mitigation measures are considered.

WDC Sport and Leisure Officer: Section 106 contribution request.

Lead Local Flood Authority: Further information was requested to allow a suitable assessment of flood risk and surface water drainage matters. Such information has been provided by the Applicant and is currently being reviewed by the LLFA. A response from the LLFA is expected prior to the committee meeting.

WCC Archaeology: The proposed development site was subject to a programme of archaeological evaluation by trial trenching in 2006. No significant archaeological remains were identified and as such it is considered that the proposed development is unlikely to have a significant archaeological impact.

WCC Ecology: No objection. A biodiversity offsetting scheme would need to be secured by planning obligation to compensate for the habitat loss and deliver the required biodiversity net gain. Conditions are recommended requiring the development be carried out in accordance with the submitted Preliminary Ecological Appraisal, measures to protect bats and birds and to secure a Construction Environment Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP).

WCC Highways: No objection.

WCC Landscape: Object on the grounds that the number of dwellings should be reduced in order to accommodate more street trees and more meaningful public open space around the attenuation pond. The revised scheme is an improvement on the previous design in that the proposed acoustic fence would no longer be an overbearing structure within rear gardens. The native hedge,

climbers and trees will help to soften the acoustic fence, although the species mix could be improved (this planting will need to be retained and protected). There is a lack of street trees across the development as a whole, although recent amendments to the scheme to increase tree planting alongside the acoustic fence and around the SuDS pond are welcomed. There is still a concern with an over-reliance of new tree provision being within private gardens and, notwithstanding the covenant suggested by the developer, there are concerns that such trees could be removed in the future. The attenuation pond is very large, too uniform in shape and profile; it should be redesigned to make it less uniform, with a varied bank profile. The proposed amenity grass to the areas of open space within the site (i.e. the area adjacent to the western boundary and around the drainage attenuation basin) should be replaced with more naturalistic seeding / planting. The proposed native hedgerow to the western boundary should be maintained at a height of 2-3m.

WCC Infrastructure: Section 106 contributions requested towards education, libraries and road safety initiatives.

Warwickshire Police Designing Out Crime Officer: No objection. A series of security recommendations have been provided.

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

Severn Trent Water: No comments received.

South Warwickshire University NHS Foundation Trust: Request a financial contribution towards healthcare provision.

NHS Integrated Care Board: Do not request a financial contribution from this development.

Ward Councillors: Objection from Cllr Daniel Brown and objection from Cllr John Holland.

Councillor Brown:

1. Overdevelopment - It's too many houses for the size of the site.
2. Additional traffic in an area that already has too much traffic at times.
3. Lack of parking already in that area and not enough parking provision in the application.
4. More traffic on Stratford Road.
5. Pollution from more vehicles.
6. Noise from the A46.
7. The proposed homes (or the people living in them) being impacted by pollution from the A46. If I remember correctly, some windows on some of the houses will be sealed and not able to be opened due to the pollution risk.
8. Flood risk - the site sometimes floods and the water flows down to the nearby care home.
9. The latest application does not adequately address these concerns.

Development is not always a bad thing. Sometimes it is necessary. However, it must be sensible and address all concerns to a satisfactory level.

Councillor Holland:

- National Highways M40/A46/A429 junction improvements agreed in 2007 that further noise reduction would be provided on this site. Houses cannot provide this noise reduction for the local area.
- Noise modelling for the elevated section of the A46 led to noise reduction measures to reduce noise in Chase Meadow by between 3dB and 10dB. The final part of the scheme has not yet been implemented and involves this site. The road scheme only went ahead on the basis that this would be built.
- Housing on this site will not deliver the promised noise reduction.
- In addition, noise levels would be excessive for the residents of the new houses if they were to be built.

Public Response: The application has been the subject of two separate rounds of formal publicity. The first round of publicity was undertaken when the application was first submitted and a second round of publicity was undertaken following a substantial amendment to the site layout. A total of 18 objections have been received in response to the publicity of the application. A summary of the comments received is provided below.

Response to first publicity period (11 representations)

Amenity concerns

- Layout is too close to existing houses
- Invasion of privacy / overlooking of existing houses
- Loss of light / overshadowing
- Noise and air quality issues due to proximity of the A46 - impact on health and wellbeing of future occupiers of the development
- Removal of a bund that buffers some of the noise from the A46 slip road.
- Noise, dust and disturbance from construction operations
- Land is designated for business units, which makes more sense as they would barrier the noise and A46

Highway concerns

- Increased traffic generation and associated highway safety concerns
- Development will increase local traffic congestion
- Inadequate parking provision
- Parking on Goggbridge Lane will cause issues for the existing houses opposite the site and obstruct the turning into Penney Lane which is already tight
- Proposal will exacerbate existing problems associated with on-street parking in this area
- There are already issues for buses and ambulances getting access

Flood risk and drainage

- Increased risk of flooding
- Removal of a green space will affect potential for flooding

Ecology

- Loss of green space and habitat
- Impact on wildlife

Other matters

- No change since the previous application to address the previous reasons for refusal
- Overdevelopment (too many houses proposed)
- No open spaces or recreation areas
- Land should be left as green space for recreation or as a nature area for wildlife, or be used as an overflow car park
- There are enough houses in the area already; the proposed houses are not needed
- Increased pressure on local infrastructure such as schools and medical services, which are already oversubscribed
- Increased pressure on public transport services
- Land is unsuitable for housing. Further consideration should be given to using this land for light industrial rather than changing it to residential.

Response to second publicity period (8 representations)

Amenity concerns

- Disruption to existing houses - both from construction traffic and following occupation of the new houses
- Occupiers of the new dwellings will be unable to open their doors and windows owing to the pollution and noise from the A46
- Site is unsuitable for residential use because of the noise and air quality issues due to proximity of the A46 - impact on health and wellbeing of future occupiers of the development

Highway concerns

- Proposal will exacerbate existing problems associated with on-street parking in this area (both during and post construction)
- There are already issues for buses and ambulances getting access
- Land should be turned into a car park to address existing parking issues
- Impact on road congestion and queuing times
- Concerns with the location of new access roads and impact on existing houses
- Question the need for the second access road into the development

Flood risk and drainage

- Site is unsuitable for houses because it floods in wet weather
- Concerns over potential flooding risk

Ecology

- Impact on wildlife, which will be pushed into gardens and homes of existing dwellings
- Development will stress local wildlife

Other matters

- Increased pressure on local schools, medical services and amenities
- If planning permission is approved then there should be Section 106 contributions to improve local community facilities and amenities
- The Chase Meadow estate is already bigger than it was originally intended to be
- Development will not benefit the area
- Development will have an impact on the carbon footprint for the WDC area
- Further consideration to be given to use of the land for light industrial use rather than changing it to residential
- All new roads should be adopted in a timely manner
- Cramming 67 dwellings onto the site, which is next to a very busy dual carriageway

ASSESSMENT

Background

The proposal is a resubmission of application W/22/0400 which was for the development of 69 dwellings on the site. The previous application was recommended for approval by Officers but was refused by the Warwick District Planning Committee on the grounds that the development would fail to provide acceptable living conditions for future occupiers, insufficient information to properly assess flood risk and the loss of allocated employment land.

When the current application was first submitted, the proposal was essentially identical to the previously refused scheme but with the inclusion of additional supporting information to justify the proposal. The Applicant then amended their scheme in an attempt to further mitigate the impact of the A46 on the new dwellings and respond directly to the committee's previous concerns with the standard of living conditions for future occupiers.

The amendment involved the inclusion of a buffer adjacent to the western boundary so that the nearest houses are set in from the boundary with the A46. This buffer is formed by internal access roads and shared driveways along with areas of soft landscaping. As part of this amendment, dwellings have been re-orientated so that they are either front-on or side-on to the western boundary (as opposed to backing onto it). As a result of all this, it has allowed the proposed noise barrier to the western boundary to be reduced in height from 6m to 5m in comparison to the previous scheme. The amendment to the western side of the

site has necessitated changes to the general layout within other parts of the site, including in terms of the access arrangements.

Principle of Development

There are two elements to the principle of development. Firstly, the loss of land allocated for employment use and, secondly, the provision of new housing in this location.

Loss of Employment Land

The site forms part of an existing Major Employment Commitment on the Local Plan Policies Map. The land is an offshoot of land from the Tournament Fields employment site that lies to the south and south east of the application site.

As the site is identified in the Local Plan as part of an employment commitment, it must be assessed against Policy EC3 of the Local Plan. This policy seeks to protect employment land and buildings and lists certain exceptions that can apply when considering their loss. Policy EC3 states:

Outside town centres, the redevelopment or change of use of existing and committed employment land and buildings (Use Classes B1, B2 and B8) for other uses will not be permitted unless:

- a) it can be demonstrated that there is an adequate supply of allocated employment sites in the district having regard to quantity and quality;*
- b) it can be demonstrated that the use of the land or buildings for the existing or alternative employment uses would not be viable;*
- c) it can be demonstrated that the site is not suitable for employment uses due to unacceptable and unavoidable impacts upon nearby residential uses;*
- d) it is land identified as being suitable for other uses as part of the identified Canalside and Employment Regeneration areas (Policy DS8) or*
- e) the proposal is solely for affordable housing as defined in national guidance.*

The third reason for refusal of planning application W/22/0400 concerns the loss of this employment land. It was considered that inadequate justification had been submitted to conclude that the exceptions in Policy EC3 had been satisfied. It is to be noted here that to meet the policy test only one of the criteria of Policy EC3 needs to be satisfied.

Under the previous application the Applicant advanced the case that the development met with exception b) and c) of the policy. Marketing information was submitted which demonstrated that the land had been marketed by a renowned local agent since June 2019 through a range of sources including several property websites as well as direct contact from the agent with the use of sales particulars. Despite this marketing, the site achieved little interest from

prospective developers. The supporting information provided by the agent stated that the awkward shape of the land (which tapers towards the northern end) coupled with the close proximity of residential uses dissuaded any potential development of the land.

The same marketing information has been provided with the current application and is supplemented with an updated letter from the land agent. The Applicant highlights the fact that the marketing of the site did not include a fixed or guide price, but rather, 'invited offers' so that the market could establish an appropriate price for the site based on individual assessments. The implication of this being that there was not an artificially high asking price when the site was marketed that might have deterred potential buyers. The Applicant also emphasises the length of time that the site has been marketed for (2.5 years), which surpasses the requirement set out within the supporting text to Policy EC3 (2 years).

The updated letter from the land agent states that, despite the extensive marketing through property websites together with their own social media contacts, they have been unable to find a purchaser for the allocated land use. The principal concern from employment land developers was the proximity of existing houses and the potential impact of industrial/warehouse businesses occupying buildings creating noise and significant additional vehicle movements etc. In particular, occupiers of such units expect 24/7 access with no restrictions on noise. One of the biggest issues quoted was night time movements; this was from transport on what is, essentially, a residential road but also on site restrictions created by reversing sounders and such like. The developers were all of the view that whilst they could build units, there were doubts about take-up rates because of the aforementioned factors.

A further matter to take into account within this context is that the site has been allocated for employment use for a considerable period of time. The site is a residual parcel of land that was part of the whole site development of the Tournament Fields employment land and the wider residential development known as Chase Meadow. This allocation stretches back to the previous Local Plan regime from 1996-2011. Since that time, the application site has not been the subject of any applications or interest for employment development. Given the longstanding allocation of the land and considering that no land owner or operator has been able to realise an employment development on the site since the mid 1990s, this lends further weight to the conclusion that the market does not view this as a viable employment site.

The site lies in very close proximity to existing houses on Goggbridge Lane, which are located on the opposite side of the road and generally front onto the site at a distance of around 14m. There is also a property on Jacombe Close that is a few metres from the site's northern boundary and a care home lies towards the southern boundary of the site. Officers note that the care home was included as part of the employment allocation but it does further limit any potential employment development on the land. The care home also helps to provide a transition between the Tournament Fields employment site and the residential area of Chase Meadow beyond.

Potential employment uses on the site would include those falling within the B Use Classes, namely general industry (B2) and warehouse and distribution (B8). Other potential employment uses would also include light industrial type operations that fell within the former B1 Use Class but now fall within Use Class E. Such uses would have the potential to have a significant impact on these neighbouring properties, for example through noise, odour, external lighting and the general comings and goings of staff (including shift workers) as well as from deliveries. To mitigate all these types of impacts, any employment development on the site would be heavily constrained.

It is clear that there are a range of factors that make this site unsuitable for employment use, not least the proximity of existing residential development that would restrict end users. This is borne out in the marketing evidence that has been submitted and is further corroborated by the absence of any planning applications coming forward for development on the site despite its allocation within previous and current Local Plans. Taking all of this into account, Officers are of the opinion that the development would meet both exception b) and exception c) within Policy EC3, which in this case are considered to be interlinked. The site is not suitable for employment purposes and as a consequence it has become unviable for its allocated use. The use of land for an alternative form of development is therefore considered acceptable.

This conclusion aligns with paragraph 126 of the NPPF, which states that planning decisions need to reflect changes in the demand for land. This means that where there is no reasonable prospect of an application coming forward for the use allocated in a plan, applications for alternative uses should be supported (Chapter 11, Making effective use of land).

Provision of new housing

The site lies within the urban boundary of Warwick. Policy H1 of the Local Plan allows for the provision of new dwellings where the site lies within the Urban Boundary as these areas are recognised as highly sustainable areas to direct new housing development.

Policy DS6 of the Local Plan sets a target of a minimum of 16,776 new homes between 2011 and 2029 and Policy DS7 sets out how this requirement will be met, which includes an allowance of 1010 dwellings on windfall sites. The proposal represents a housing windfall and would contribute to meeting the housing target within the Local Plan. Furthermore, the proposed development would add to the supply and choice of housing within the district and this would align with the Government's objective of significantly boosting the supply of homes (NPPF, Chapter 5, Delivering a sufficient supply of homes). The delivery of new housing is therefore considered to weigh in favour of the application, having already accepted that the principle of a non-employment use is acceptable on this site.

Conclusion

Having regard to the above, the development of the site for residential use is considered acceptable in principle and would be reflective of adjacent land uses.

Housing Mix

Policy H4 of the Local Plan requires residential development to include a mix of market housing that contributes towards a balance of house types and sizes across the district in accordance with the latest Strategic Housing Market Assessment (SHMA). The policy acknowledges that it may not always be appropriate to provide a full range of house types and sizes in accordance with the SHMA and sets out certain circumstances where this may apply. These circumstances include physical constraints, locational issues and local Housing Need Surveys.

Market Housing

It is proposed to provide 40 open market dwellings with the following mix:

Bedrooms	Total	% Proposed	WDC Requirement	Differen
1 Bedroom	0	0%	5-10%	-5%
2 Bedroom	10	25%	25-30%	Within Ra
3 Bedroom	18	45%	40-45%	Within Ra
4+ Bedroom	12	30%	20-25%	+5%

The scheme does not provide any one bed units and over provides on 4 bedroom properties. The Applicant has sought to justify this imbalance on the basis that they do not consider that there is a market for 1-bed open market units in this location. They have stated that the SHMA mix does not take account of site location and is applied widely against apartment, town centre, rural and urban edge locations. They consider that site's location lends itself to family dwellings and this also reflects the existing character and appearance of the area. Furthermore, since the latest SHMA there has been a significant uptake in working from home and an associated requirement for larger units.

The market housing mix does not fully align with the SHMA, however, it is considered that the location of the site does lend itself slightly more towards larger properties with it being outside of a town centre and the proposal would also be comparable to the adjacent residential development in this regard. This issue is to be weighed in the overall planning balance. In undertaking that balancing exercise, it is to be noted that the previous application did not include any 1 bedroom open market units and that was not cited as a reason for refusal. Furthermore, Housing Strategy have commented on the mixture of the open market housing and have not objected to the application. Overall, Officers consider the open market mix to be acceptable.

Affordable Housing

The proposal would provide a policy compliant 40% affordable housing (27 units). A mixture of 1, 2, 3 and 4 bed properties are proposed. Housing Strategy have assessed the application and are satisfied that the proposed bedroom mix and tenure of the affordable units are acceptable.

There have been amendments to the scheme to address comments made by Housing Strategy. This includes the substitution of certain house types and internal layout changes to provide units that deliver greater flexibility for lettings purposes in the context of the Housing Benefit regulations. Housing Strategy have commented that the ground floor property within the maisonettes remains particularly small, however, these units are compliant with the Government's Nationally Described Space Standard for a single occupancy one bedroom dwelling and as such Officers consider that the amount of living space provided is acceptable. While the size of these particular units provides less flexibility from a lettings perspective because it is likely that they would only be deemed suitable for a single occupier, there is demand for single occupancy units on the Housing Register and so these units would help to meet that need.

The proposed affordable units are generally well distributed throughout the development, although there is a cluster of 10 units in the northern part of the site and this exceeds the 5-8 unit clusters as recommended in the Affordable Housing SPD. However, the dwellings within this cluster front onto different roads which helps to mitigate this issue and it is also to be acknowledged that the number of affordable units in this location is heavily influenced by the fact that 6 of them are maisonettes and so this automatically affects the density. Having considered this matter, officers are satisfied that there is a reasonable spread of affordable dwellings across the site as a whole.

Some of the affordable house types would differ from the open market house types but the general design and materials of the affordable units would be the same as for the open market housing and so in that regard it would help the development to be 'tenure blind'.

Accessibility

Policy HS1 of the Warwick Local Plan explains that support will be offered to proposals that are designed to meet the needs of older people and those with disabilities. Whilst there is no requirement in the Local Plan to deliver new homes to meet Building Regulation M4(2) (accessible and adaptable dwellings) or M4(3) (wheelchair user dwellings) standards, the applicant has confirmed that all units meet the M4(2) standard, and this is welcomed by Housing Strategy.

Urban Design and Impact on the Character of the Surrounding 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.

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 to 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 existing land is set to rough grassland contained within security fencing. The appearance of the land is at odds with the surrounding development and the closed off nature of the land affords little visual amenity to the local area. As the land is private, it is of little benefit to existing residents for purposes of open space.

The proposed development seeks to provide a total of 67 residential properties together with all ancillary works. The scheme has been designed to have dwellings fronting onto Goggbridge Lane and this reflects the existing residential development adjacent to the site. This front-to-front relationship would reinforce the established character of the streetscene and is in keeping with the wider residential development in the area. Dual aspect house types have been used at key junctions where dwellings have an interface with both Goggbridge Lane and new access roads/driveways. There has also been an amendment to provide greater visual interest to some of the more prominent side elevations around Road 2, which would be visible within the Goggbridge Lane streetscene. Two upper floor tax windows have been incorporated to plots 34, 52 and 61 to break up the expanse of masonry and add interest; these tax windows would match the detailing and proportions of the rest of the windows on these plots.

The scheme has also been amended to enhance the sense of activity at street level along Goggbridge Lane. This has been achieved by a substitution of house types along the site frontage to ensure that almost all dwellings have a main habitable room at ground floor level, including the pair of semi-detached dwellings situated opposite the Swan Meadow junction.

Some of the properties fronting onto Goggbridge Lane would have parking to their frontages, although some properties have no frontage parking and others have parking down the sides. As such, it is not considered that there would be a predominance of parking along Goggbridge Lane. Furthermore, many of the existing dwellings that front onto Goggbridge Lane already have front parking spaces and so in this regard the proposal would not be out of keeping in any way.

A mixture of different house types are proposed and aim to reflect the traditional 'Warwickshire' architectural style and take inspiration from other buildings in and around the local area. The dwellings are mainly two storeys in height, with a small proportion of 2.5 storey properties. Many of the house types are the same as the previous scheme and some new house types are also now proposed. Overall, there is a slightly greater variety than the previous scheme. The proposed facing materials are also comparable to the previous scheme. Two different types of red brick are proposed and a small proportion of the dwellings would either be either be fully faced in white render or would incorporate some render to their frontages.

Red and grey tiles are proposed for the roofs. The proposed material palette would provide a mixture of finishes and would harmonise with adjacent development.

The development is generally considered to provide visually appropriate boundary treatments across the site. Where rear gardens abut the new estate roads and shared private driveways the boundary treatment is provided as a 1.8m high brick wall and the scheme has also been amended to provide this same boundary treatment to certain other prominent locations. This includes to the side of plot 62 where it forms the interface with an adjacent footway at the northern end of the site and at the rear of plots 41-43 where it forms the boundary at the end of the shared access for plots 22-27. The existing post and rail fence to the southern site boundary, which is in a somewhat dilapidated state, would be replaced like-for-like and some new tree planting would also be provided in this area around the proposed drainage pond.

The proposed acoustic fencing is of a substantial height but it would have a trellis system to allow for climbing plants and a hedgerow and trees planted alongside the barrier within a landscaped strip, which would significantly soften its appearance. The acoustic barrier would also wrap around the north western corner of the site, although there is currently some uncertainty about the proposed extent of the acoustic barrier along the northern site boundary. Earlier iterations of the proposed boundary treatment plan indicated that the acoustic barrier would only extend along part of the northern boundary. However, a revised boundary treatment plan has recently been submitted and this shows the barrier extending along the full length of this boundary at the full 5m height. Officers did not have any concerns with the acoustic barrier extending partway along the northern boundary but if it were to be provided along the full length then it would have implications from a visual amenity perspective. Officers have therefore sought clarification on this issue and an update will be provided to members on this matter.

Tree planting elsewhere within the site is restricted to the area containing the drainage pond and to on-plot provision, which is principally due to space constraints. Overall, the extent and type of new tree planting is considered acceptable.

Overall, it is considered that the proposed development would sit comfortably within its context. Accordingly, it has been concluded that the proposals would have an acceptable impact on the character and appearance of the area and as such the application accords with Policy BE1 of the Local Plan and guidance in the NPPF.

Impact on Residential Amenity

Policy BE3 of the Local Plan seeks to ensure that the residential amenities of the occupiers of neighbouring residential properties are not harmed by proposed development and the Residential Design Guide SPD provides guidance on separation distances between dwellings as well as garden sizes and design. The NPPF requires that planning decisions create places with a high standard of amenity for existing and future users.

Impact on existing properties

The key area of the site is the eastern boundary where it is directly opposite existing residential development. The proposed development matches the existing properties on Goggbridge Lane by having houses fronting onto the highway resulting in a front to front relationship. The separation distance between these properties is considered acceptable. At the northernmost end of the site, plot 62 is side-on to the eastern boundary and would have an indirect relationship with existing neighbouring houses, with views between properties being at a very oblique angle. This adequately mitigates any undue impacts on amenity. To the northern boundary of the site is an area of undeveloped land that rises up away from the site.

To the south of the site is a care home and the new dwellings would be well separated from the care home building, with access roads and open space lying in between.

Officers are satisfied that the new development respects existing properties and would not result in any unacceptable impacts on the amenities of neighbouring occupiers.

Amenity of future occupiers

A fundamental issue is the living conditions of future occupiers of the development. The first reason for refusal of the previous application was that the development failed to provide acceptable standards of amenity for future occupiers by reason of noise and air pollution due to the proximity of the A46 and inadequate mitigation together with inadequate levels of light and outlook due to the height and proximity of the acoustic fence. It was also considered that the proposal failed to provide on-site public open space.

The previous scheme involved a long run of properties backing onto the western boundary of the site and it was identified that these dwellings would experience elevated levels of noise. A mitigation strategy was proposed that incorporated enhanced levels of glazing standards to the façade facing the A46 coupled with a 6m high acoustic barrier. The strategy was reliant on windows being closed to adequately mitigate noise from the A46 and therefore a mechanical ventilation system was proposed to provide fresh air to the future occupants. The acoustic barrier was considered to impinge on natural light and the outlook from the rear elevations of the properties backing onto the boundary with the A46.

The current scheme does not have any properties bordering onto the western boundary. The layout provides a buffer between the A46 and the new dwellings which would be formed by a strip of soft landscaping and some of the access roads and shared driveways. This buffer would vary in width along its length; there would be a separation distance of approximately 15.5m at its widest in the southern part of the site narrowing to a distance of just under 8m at the northern end of the site. The nearest dwellings have been re-orientated so that they are either front-on or side-on to the western boundary and the proposed acoustic barrier has been

reduced in height from 6m to 5m. An enhanced glazing specification is proposed to the dwellings in this part of the site.

An updated Noise Assessment has been submitted with the application that reflects the proposed site layout. The noise report provides a greater level of detail than under the previous application and gives a more granular examination of the expected noise levels at each façade of the proposed dwellings and allows a more refined assessment of the noise against published guidelines.

In accordance with the Noise Policy Statement for England (NPSE) (2010) and the Noise Planning Practice Guidance (2019), the impacts of noise can be assessed on a gradient. Where environmental noise achieves published guidelines without any specific mitigation measures, this would be considered to provide good acoustic conditions and would represent a 'no observed adverse effect level' (NOAEL). As noise levels increase, adverse impacts can also increase to the 'lowest observed adverse effect level' (LOAEL). While the NPSE does not assign specific noise levels to these terms, Environmental Protection consider a +5dB relaxation to the guidelines in accordance with BS8233 to be indicative of LOAEL. As noise levels increase further, the impacts can reach 'significant observed adverse effect level' (SOAEL). At this point, the negative impacts of noise should be avoided. Whilst there are no assigned noise levels for this term, Environmental Protection would consider an increase of +10dB above published guidelines to be indicative of SOAEL.

The updated noise report identifies that road traffic noise at the proposed residential facades are mostly between the lowest observed adverse effect level and significant observed adverse effect level. The facades closest to the western boundary (nearest to the A46) experience the highest noise levels and the large majority of properties across the development would be reliant on closed windows during both the day and night time periods to achieve acceptable internal noise conditions. This therefore means that there would be a reliance on mechanical ventilation to enable occupiers to ventilate and cool their homes without being exposed to levels of noise above the relevant guidelines. It is to be noted that it is not proposed for the development to have a sealed window approach and all rooms will be provided with openable windows to allow the occupants a choice.

The noise report also identifies that the vast majority of private gardens would achieve the upper guideline limit (55dB LAeq, 16 hour) and so would provide reasonably quiet external amenity space. The noise planning practice guidance says that access to relatively quiet external amenity spaces can help in partially offsetting noise impacts on residential developments and so this provides a degree of mitigation. Where this guideline limit is exceeded, it is only by a minimal amount (max 3dB) and is equivalent to the smallest change in sound perceptible by the vast majority of the population.

In summary, the impacts of road traffic noise are situated towards the higher end of the adverse effect gradient. Environmental Protection consider that this represents a less desirable living environment and skirts the threshold of unacceptable noise impacts. While the noise can be mitigated by closed windows

and alternative ventilation, Environmental Protection consider that this can have unwanted impacts on amenity and general living conditions.

The noise report provides greater clarity on the extent of noise exposure and the current layout provides some betterment in terms of the impact on noise within gardens. It does nevertheless remain the case that occupiers would be reliant on mechanical ventilation to achieve a suitable internal noise environment. This would occur for any residential development on the site. Indeed, the noise report includes noise levels at the facade of the existing properties on the opposite side of Goggbridge Lane and these figures exceed the guideline values. However, unlike those properties the new dwellings would be fitted with alternative means of ventilation.

The issue of noise and the use of mechanical ventilation is to be weighed in the overall planning balance. The proposal would realise development on this residual parcel of land, which is unlikely to come forward for its allocated use, and therefore represents an efficient use of land in this regard. What is more, the proposal would provide new housing in a sustainable location and would boost the supply and choice of housing in the district as well as providing new affordable homes. There would also be a substantial contribution to off-site public open space provision. There is a technical solution to addressing road noise and occupiers would have a choice as to how they control noise conditions and ventilate and cool their homes. When balanced against the wider benefits of the development, officers consider that an acceptable standard of amenity would be provided in relation to noise.

The application is accompanied by an Air Quality Exposure Assessment (AQEA), which identifies that the main air pollution source is likely to be emissions from road traffic associated with the nearby road network and that the key air pollutants of concern are nitrogen dioxide and particulate matter. The AQEA provides an assessment with reference to existing air quality in the area and relevant air quality legislation, policy and guidance and includes dispersion modelling. The assessment confirms that the mean concentrations of these pollutants are predicted to meet the relevant air quality standards and a significant effect is not likely. It therefore concludes that future occupiers would not be exposed to poor air quality. The Environmental Protection team has not raised any concerns with the AQEA and air quality.

In terms of outlook and natural light, it is considered that the proposed scheme addresses the previous concerns in terms of the relationship between new houses and the acoustic barrier along the western boundary. Rear gardens would not be directly impacted and the separation distances between the facades of the new dwellings and the acoustic barrier are considered to be acceptable, with the impact further mitigated by the reduced height of the barrier and the fact that it would effectively form a living, green wall with hedgerow and trees alongside. The closest relationship between dwellings and the acoustic barrier is at the northernmost end of the site where the site tapers and results in a separation distance in the region of 8m between the front elevation of plots 64 and 65. The main aspect for these two dwellings is however to the rear, with the only habitable window to the front elevation being a first floor bedroom window. What is more, the separation

distances to the rear of these properties exceed those within the Residential Design Guide which is beneficial to their main outlook. These factors help to limit the overall impact on these particular dwellings.

As previously mentioned, there is currently some uncertainty regarding the proposed extent of the acoustic barrier along the northern site boundary. It was previously indicated that the acoustic barrier would only extend along part of the boundary where it is parallel to the gable end of plot 64. However, the recent submission now indicates the 5m high acoustic barrier extending along the full length of the boundary where it would form the boundary with the rear gardens of plots 62-64. Officers did not have any concerns with the acoustic barrier extending partway along the northern boundary but if it were to be provided along the full length then it would have implications from a residential amenity perspective. Officers have therefore sought clarification on this issue and an update will be provided to members on this matter.

With regards to open space, there has not been any material change since the previous application. The proposal provides slightly more on-site open space but it remains the case that there is not any useable public open space *per se*, save for the provision of a path through part of the landscaped buffer adjacent to the western boundary that leads to a bench overlooking the area containing the drainage attenuation basin. Due to the restricted shape of the site, the scope for on-site play areas is limited and could not be achieved without a relatively significant reduction in the quantum of development, especially considering the need for appropriate separation distances between play areas and houses. With the redesign of the site layout to provide a buffer to the A46, which has also resulted in a reduction from 69 to 67 dwellings, Officers do not consider that it would be reasonable to seek to increase the amount of on-site open space provision. While a viability case has not been presented with the application, it stands to reason that the overall viability of the scheme would be affected by a further reduction in units. Moreover, there are existing facilities within walking distance of the site and it is considered that an off-site contribution to enhance existing provision is appropriate in this instance.

Acceptable separation distances between the new dwellings are provided across the site and all of the proposed properties are considered to be afforded with an acceptable size of internal living space as well as private outdoor amenity space commensurate to the size of the property.

In conclusion, Officers are of the opinion that the proposed scheme provides an acceptable standard of living conditions for the future occupiers and would preserve the amenity of neighbouring residents. The application thereby accords with Policy BE3 of the Local Plan and guidance in the NPPF.

To mitigate the impact of construction activities on local residents, a condition is recommended requiring a Construction Management Plan.

Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The site benefits from an existing access into the site off Goggbridge Lane which would be utilised as one of the main access points for the development. This already meets with design requirements in terms of width and provision of appropriate visibility in both directions. An additional main access would also be formed further along Goggbridge Lane; this would also be a simple priority junction. For those properties that would not be served via these two main points of access, they would be accessed by shared private driveways directly off Goggbridge Lane (three in total).

The Local Highway Authority (LHA) has assessed the anticipated vehicle movements associated with the development, the proposed access arrangements and the proposed level of parking. The LHA is satisfied that there would be no undue highway safety impacts as a result of the development. A series of conditions have been recommended regarding the highway construction. On this basis the application is considered to be in accordance with Policies TR1 and TR3 of the Local Plan as well as guidance in the NPPF.

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 NPPF states that planning decisions should contribute to and enhance the natural and local environment by, *inter alia*, minimising impacts on and providing net gains for biodiversity.

The application is accompanied by a Preliminary Ecological Appraisal and Preliminary Ecological Mitigation Plan. The application has been assessed by the County Ecology Team who have raised no objection to the proposal subject to the imposition of appropriate conditions and subject to the necessary biodiversity net gain (BNG) being secured. It is not feasible to offset the habitat loss and achieve a net gain on the site and as such it would be necessary to secure a financial contribution to deliver the BNG measures off-site. With regards to conditions, it is recommended that conditions be imposed to: protect bats and birds when trees and vegetation are being removed; ensure a sensitive external lighting scheme to mitigate the impact on bats; secure a Construction Environment Management Plan (CEMP) and; secure a Landscape and Ecological Management Plan (LEMP). Subject to these matters, Officers are satisfied that the ecological impacts of the development have been properly addressed and the application is in accordance with Policy NE3 of the Local Plan and guidance in the NPPF.

Flood Risk and Drainage

Policy FW1 requires all new development to be resilient to surface water flood risk by providing an acceptable drainage strategy to demonstrate that surface water can be adequately mitigated on site.

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

The site is in Flood Zone 1 and is therefore at low risk of flooding from main river sources.

One of the reasons for refusal under the previous application (W/22/0400) related to flood risk. It was considered that hydraulic modelling was required prior to determination of the application and, as that had not been submitted, the proposal was deemed contrary to Policy FW1. Part of the reason for requiring the modelling was to assess additional run-off onto the site from external sources, particularly the A46 Trunk Road, to demonstrate that the development would not be subject to increased risk of flooding either on-site or elsewhere due to displacement of water as a result of the development. The hydraulic modelling was needed to demonstrate that the site will be able to mitigate the runoff without displacement into areas beyond the site boundary.

The Lead Local Flood Authority (LLFA) have been consulted on the current application. The LLFA has commented that since the initial submission of application W/22/0400 the LLFA's 'Flood Risk Guidance for Development' has been revised and it is therefore expected that the current proposal will follow the latest guidance, including in relation to updated guidance on hydraulic modelling.

Hydraulic modelling has been produced by the Applicant and a third party review of this has been undertaken, which has been organised by the LLFA. The results of this review are being assessed by the LLFA at the time of writing and the LLFA have advised that a formal response will be provided prior to the committee meeting. Following the third party review of the modelling, the Applicant has submitted updated drainage information, which is also being considered by the LLFA.

An update will therefore be provided to members on flood risk and drainage matters in advance of the meeting.

It is anticipated that conditions relating to the detailed design of the drainage system, including the SuDS pond and its headwall, will be necessary once drainage issues have been satisfactorily concluded with the LLFA.

Sustainability

Policy CC1 seeks all new development to be resilient to, and adapt to the future impacts of climate change through the inclusion of measures to mitigate against rising temperatures and increased flood risk through sustainable construction measures and the incorporation of sustainable drainage methods.

The application has been submitted with a Sustainability Statement that sets out a range of elements that will improve the efficiency of the site and minimise the impact on climate change. The sustainability statement sets out these measures from the construction phase of the development through to the final completion and occupation of the dwellings.

Using a fabric first approach, the sustainability statement states that the dwellings will achieve between 8.17% and 11.98% betterment over the Part L Building Regulations requirements. Nevertheless, Officers consider that through the use of sustainable energy measures, this could be further improved and therefore the standard sustainability condition is proposed to be added.

This is consistent with the previous application and it is therefore considered that the proposal accords with Policy CC1.

Impact on Air Quality

The application has been submitted with an Air Quality Mitigation Statement (AQMS) to demonstrate that the proposed development would not have a detrimental impact on Air Quality. The statement recommends various mitigation measures for the construction and operational phases of the development. The same AQMS was submitted with the previous application and was found to be acceptable. It is therefore considered that it remains acceptable for the current scheme. The AQMS recommends the provision of electric vehicle charging points and these would be secured by condition.

Other Matters

Trees and landscaping

An Arboricultural Impact Assessment (AIA) has been provided that includes a range of proposed methodologies for works near trees. There would be some limited tree loss as a result of the proposals, all relating to category C (low quality) trees that are set within the confines of the site. New tree planting is proposed as part of the scheme.

The application has been assessed by the LPA's arboricultural officer and no objections have been raised, subject to a condition requiring the development be carried out in accordance with the proposed tree protection measures detailed within the AIA.

The County Landscape team have recommended that the proposed amenity grass to the areas of open space within the site (i.e. the areas alongside the western boundary and to the perimeter of the drainage pond) is replaced with a more

informal and naturalistic form of planting, especially given that these areas are not going to form useable areas of public open space. It is considered that this is a reasonable suggestion and can be addressed through a condition regrading the detailed soft landscaping scheme. Arrangements for the future maintenance of these areas of open space would be covered through the Section 106 agreement.

Heritage

There are no built heritage assets that would be affected by the proposed development. WCC Archaeology have confirmed that the proposed development is unlikely to have a significant archaeological impact.

Waste Storage

All dwellings will have adequate space for the storage of waste bins and Officers are satisfied that the bins can be satisfactorily presented to the roadside for collection. No objections have been raised by Contract Services and a condition has been recommended to ensure that all bin collection points are of a sufficient size.

Crime prevention

The Warwickshire Police Designing Out Crime Officer raises no objection to the application but makes a range of security recommendations. These can be added to the decision notice if planning permission was forthcoming.

Fire and Rescue

No concerns have been raised by Warwickshire Fire and Rescue Service. A condition has been recommended to secure fire hydrants.

Contaminated land

A condition is recommended to address potential ground contamination at the site.

Representations

Objections have been received from Warwick Town Council as well as from Councillor Browne and Councillor Holland. Overdevelopment of the site and impacts associated with that as well as the standard of living conditions for future occupiers have been cited as principal concerns. In addition, a total of 19 public objections have been received.

The quantum of development is slightly less than the previous scheme and overdevelopment was not explicitly cited within the reasons for refusal of application W/22/0400. The concerns with living conditions are acknowledged but Officers consider that such matters have, on balance, been adequately addressed.

Councillor Holland has commented that as part of National Highways M40/A46/A429 junction improvements that were agreed in 2007, noise reduction

measures were to be provided on the application site to reduce noise in Chase Meadow by between 3dB and 10dB. It is stated that the final part of the scheme has not yet been implemented and involves the current application site. There is however no planning history for a scheme of noise mitigation works on the site and the application site is in private ownership and falls outside of the control of National Highways. It is therefore difficult to see how any noise mitigation scheme could be delivered (also notwithstanding the allocation of the land in the Local Plan). The proposed development would nevertheless form a barrier between the A46 and the residential development at Chase Meadow and with the inclusion of the proposed acoustic barrier this would mitigate any noise experienced by existing residents to the east of the site.

The other issues raised in the objections have also been addressed elsewhere within this report.

Section 106 obligations / CIL

The applicant has agreed to enter into a section 106 agreement to secure the following:

- Provision of 27no. units of affordable housing as proposed within the application
- Contribution of £145,770 towards Education and Learning
- Biodiversity Offsetting Contribution (circa £178,000)
- NHS healthcare contribution (£65,419)
- Contribution of £5,513 towards outdoor sports facilities
- Contribution of £64,100 towards indoor sports facilities
- Contribution of £75,829 towards provision and improvement of grass pitches
- Off-site Open Space Contribution (circa £400,000 - final figure to be confirmed)
- Contribution of £3,350 towards road safety initiatives
- Contribution of £1,231 towards Library and Information Services
- Arrangements for the future maintenance of on-site open space, drainage areas and the acoustic barrier
- County Monitoring Fee
- District Monitoring Fee

The proposed financial contributions are in accordance with the requests from the various consultees in relation to the relevant services. It is considered that these contributions will appropriately mitigate the impact of the development on these services.

The development is CIL liable.

Conclusion

Officers consider that the loss of employment land is justified in this case based on the available evidence, which indicates that there is no reasonable prospect of an application coming forward for the land use allocated in the Local Plan. An alternative use can therefore be considered and Officers are of the opinion that the development of this site for housing is an appropriate and acceptable use of the site.

The scheme has been amended since the previously refused application and it is considered that the current proposal provides a betterment in terms of the standard of living conditions for future occupiers, specifically with regards to noise, natural light and outlook. While there would still be impacts on the end users in relation to these considerations due to the proximity of the A46 and the necessary mitigation measures, it is considered that these impacts have now been mitigated to an acceptable extent. The submitted Air Quality Exposure Assessment (AQEA) confirms that the development site is predicted to meet with the relevant air quality standards and therefore future occupiers would not be exposed to poor air quality, with the AQEA being accepted by the Environmental Protection team.

While it remains the case that there is very limited usable public open space provided on the site, it is not considered that this could be substantiated as a stand-alone reason for refusal considering the site constraints and the fact that there are opportunities to upgrade existing facilities within the vicinity of the site which would mitigate the increased pressure on the use of existing provision as a result of the development. On balance, the application is therefore considered to be acceptable in terms of the living conditions of future occupiers.

The Applicant has undertaken hydraulic modelling to address the previous reason for refusal relating to flood risk and drainage. This is currently being reviewed and an up-to-date position on this will be provided to the Planning Committee in advance of the meeting.

The overall design of the development would be in keeping with the character of the area and would not result in any significant harm to visual amenity. The development would not prejudice the amenities of neighbouring occupiers and the proposal is acceptable in highway safety terms. Subject to conditions and securing an appropriate biodiversity net gain, the application is acceptable from an ecological perspective.

Overall, the development is considered to accord with all relevant provisions of the Development Plan, subject to the resolution of drainage matters to the satisfaction of the LLFA. It is therefore recommended that planning permission be granted, subject to the delegation of authority to officers to conclude drainage matters, impose all necessary conditions and secure a Section 106 agreement.

CONDITIONS

1 Time limit

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 Approved Plans and Specifications

The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and the following list of approved drawings and specification contained therein, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

- 22668_PL_02 Rev O (Planning Layout)
- 22668_CPL_02 Rev L (Planning Layout) (Coloured)
- 22668_PP_02 Rev D (Parking Plan)
- 22668_TP_02 Rev C (Tenure Plan)
- 22668_EP_02 Rev D (Enclosures Plan)
- 22668_MP_02 Rev C (Materials Plan)
- 22668_PEM_02 Rev B (Preliminary Ecological Mitigation Plan)
- EMA22_22668_PL2 Rev C (EMA22 (Beaford) Floorplans)
- EMA22_22668_PL3 Rev B (EMA22 (Beaford) Elevations)
- EMA23_22668_PL2 Rev B (EMA23 (Mapleford) Floorplans)
- EMA23_22668_PL3 Rev B (EMA23 (Mapleford) Elevations)
- EMA31_22668_PL2 Rev A (EMA31 (Ambleford) Floorplans)
- EMA31_22668_PL3 Rev A (EMA31 (Ambleford) Elevations)
- EMA34_22668_PL2 Rev A (EMA34 (Keeford) Floorplans)
- EMA34_22668_PL3 Rev B (EMA34 (Keeford) Elevations)
- EMA35_22668_PL2 Rev A (EMA35 (Tetford) Floorplans)
- EMA35_22668_PL2 Rev B (EMA35 (Tetford) Elevations)
- EMA48_22668_PL2 Rev A (EMA48 (Warkford) Floorplans)
- EMA48_22668_PL3 Rev B (EMA48 (Warkford) Elevations Brick)
- EMA48_22668_PL4 Rev A (EMA48 (Warkford) Elevations Render)
- EMAP11_12_22668_PL2 Rev C (EMAP11_12 (Allstead/Bamstead) Floorplans)
- EMAP11_12_22668_PL3 Rev C (EMAP11_12 (Allstead/Bamstead) Elevations)
- EMAP11_12_22668_PL4 (EMAP11_12 (Allstead/Bamstead) Elevations (Detached))
- EMAP32_22668_PL2 (EMAP32 (Satterstead) Floorplans)
- EMAP32_22668_PL3 (EMAP32 (Satterstead) Elevations)
- EMAP41_22668_PL2 (EMAP41 (Witherstead) Floorplans)
- EMAP41_22668_PL3 (EMAP41 (Witherstead) Elevations)
- EMB32_22668_PL2 Rev A (EMB32 (Owlton) Floorplans)
- EMB32_22668_PL3 Rev B (EMB32 (Owlton) Elevations)
- EMG44_22668_PL2 Rev A (EMG44 (Kitham) Floorplans)
- EMG44_22668_PL3 Rev B (EMG44 (Kitham) Elevations)
- EMT31_22668_PL2 Rev A (EMT31 (Aynesdale) Floorplans)
- EMT31_22668_PL3 Rev B (EMT31 (Aynesdale) Elevations)
- EMT41_22668_PL2 (EMT41 (Plumdale) Floorplans)
- EMT41_22668_PL3 Rev A (EMT41 (Plumdale) Elevations)
- EMT42_22668_PL2 Rev B (EMT42 (Tewksdale) Floorplans)
- EMT42_22668_PL3 Rev C (EMT42 (Tewksdale) Elevations)
- 22668/SS/02 Rev B (Streetscenes (1 of 2))
- 22668/SS/03 Rev A (Streetscenes (2 of 2))

- 2183_01 Rev D (Landscape design (Sheet 1 of 3))
- 2183_02 Rev D (Landscape design (Sheet 2 of 3))
- 2183_03 Rev D (Landscape design (Sheet 3 of 3))
- 2183_04 (POS)
- 3894-100 Rev F (Location Plan)
- 3894-102 Rev F (Visibility Splays)
- 3894-107 Rev B (Flood Exceedence Plan)
- 3894-110 Rev V (Engineering Layout)
- 3894-111 Rev G (Longitudinal Sections)
- 3894-112 (Adoptable Highway Details)
- 3894-113 (Adoptable Drainage Details)
- 3894-114 Rev G (Attenuation Details)
- 3894-115 Rev E (Manhole Schedules)
- 3894-123 (Maintenance Route Sections)
- 3894-132 Rev B (Site Cross Sections)
- 79839-CUR-XX-00-D-TP-05001 Rev P07 (Swept Path Analysis - Refuse Vehicle)
- 79839-CUR-XX-00-D-TP-05002 Rev P04 (Swept Path Analysis - 7.5t Box Van)
- 79839-CUR-XX-00-D-TP-05003 Rev P05 (Swept Path Analysis - Fire Tender)
- 79839-CUR-XX-00-D-TP-05004 Rev P04 (Swept Path Analysis - Large Car)
- 79839-CUR-XX-00-D-TP-75001 Rev P07 (Access Arrangement)
- 23045-HMD-TN-03-C02 (Hydraulic Modelling Assessment)

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 Construction Management Plan

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. 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 Contaminated Land

No development shall take place until:

1. (a) 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

(b) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.

(c) 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 shall 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 dealt with and shall be submitted to and approved in writing by the Local Planning Authority. The site shall not be occupied until the approved addendum has been complied 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.

5 Construction Environment Management Plan

The development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the Local Planning Authority expects to see details concerning pre-commencement checks for protected species and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. 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 Landscape and Ecological Management Plan

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 Local Planning Authority. The plan shall include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan shall 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 and retained as such.

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

7 Nesting birds and bats

Works to fell or lop any trees and remove shrubs shall either: be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds or; shall not commence until a qualified ecologist has been appointed by the developer to inspect the vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by a qualified ecologist.

Where mature trees are to be felled or lopped these trees shall be inspected by a qualified ecologist for the presence of bats prior to work starting. If evidence of bats is found then no works to the trees shall take place and advice from Natural England shall be sought by the developer. The tree works shall thereafter be carried out in accordance with the advice of Natural England.

Reason: To ensure that protected species are not harmed by the development and to accord with Policy NE2 of the Warwick District Local Plan 2011-2029.

8 External lighting (bats)

Details of the external lighting scheme for the development (external light fittings and external light columns) shall be submitted to and approved by the Local Planning Authority before any dwelling is first occupied. The lighting scheme shall be designed to minimise the extent

of external lighting across the development and the amount of light spill to mitigate the impact on the local bat population. The external lighting shall be provided in accordance with the approved details and retained as such.

Reason: To mitigate the impact on bats and to accord with Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

9 Tree protection

Prior to the commencement of the development hereby approved (including all preparatory work), the tree protection measures as proposed by Wharton Natural Infrastructure Consultants in their Arboricultural Impact Assessment reference 230608 1403 AIA V2 dated 9 June 2023 and as illustrated on the draft Tree Protection Plan, together referred to as the scheme of protection, shall be adopted. The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

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.

10 Hard and soft landscaping

Notwithstanding the submitted details, a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is constructed above floor slab level. 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, 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; and 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.

11 Sustainability Statement

Notwithstanding the submitted information, a Sustainability Statement including an energy hierarchy scheme for the development and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is constructed above floor slab level. The document shall include:

- a) How the development will reduce carbon emissions and utilise renewable energy;
- b) Measures to reduce the need for energy through energy efficiency methods using construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- c) How proposals will de-carbonise major development;
- d) Details of the building envelope (including U/R values and air tightness);
- e) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
- f) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

For the avoidance of doubt, the scheme shall accord with any relevant Development Plan Document and Supplementary Planning Document relating to sustainability which has been adopted by the Council at the time the scheme is submitted.

No dwelling shall be first occupied until the works within the approved scheme (as far as they relate to that dwelling) 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 in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

12 Estate road construction

The construction of the estate roads serving the development [including footways and verges] shall not be other than in accordance with the standard specification of the Highway Authority.

Reason: In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

13 Estate road layout

Before the development is commenced, the further written approval of the Local Planning Authority shall be obtained for the design of the estate road layout serving the development [including footways, verges and private drives]. These details shall include large scale plans and sections showing the layout, vertical alignment, and surface water drainage details including the outfall. The development shall only be provided in accordance with the approved details.

Reason: In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

14 Laying out of estate roads

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 vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

15 Bin collection points

Notwithstanding the submitted details, all bin collection points shall be of sufficient size to accommodate a minimum of 3no. wheelie bins for each property that the bin collection point is to serve. The bin collection points shall be provided before the dwelling to which they relate is first occupied and shall thereafter be retained as such.

Reason: In the interests of amenity and highway safety and to accord with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029.

16 Fire hydrants

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 part of the development and retained as such

Reason: In the interests of public safety from fire and the protection of emergency fire fighters.

17 Electric vehicle recharging

The electric vehicle recharging points as shown on approved drawing number 22668/PP/02/D (Parking Plan) shall be installed before the dwelling to which they relate is first occupied. The recharging points shall provide a minimum of 16amp. The electric vehicle recharging points shall thereafter be retained as such 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.

18 Acoustic barrier

Notwithstanding the submitted information, a full design and construction specification for the proposed acoustic barrier shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is constructed above floor slab level. The acoustic barrier shall be imperforate and sealed at the base. The acoustic barrier shall be provided in accordance with the approved details before any dwelling is first occupied and shall thereafter be retained as such.

Reason: In the interests of residential and visual amenity and to accord with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029 and guidance in the NPPF.

19 Glazing, ventilation, and overheating

The dwellings hereby permitted shall be constructed in accordance with the mitigation measures specified in the following reports:

- Environmental Noise Assessment by noise.co.uk (Ref. 21614B-1-R4, 7th February 2024)
- Overheating Assessment TM59 Analysis by The FES Group (Ref. 008466, November 2022)
- Approved Document O report by Integrated Environmental Solutions (dated 14th December 2023)

Internal noise levels generated by building services/mechanically cooling system shall be no greater than Noise Rating NR25 when operated at full capacity.

The mitigation measures shall be provided before the dwelling to which they relate is first occupied and shall thereafter be retained as such.

Reason: In the interests of residential amenity and to accord with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029 and guidance in the NPPF.

Application No: [W 23 / 1775](#)

Town/Parish Council: Leamington Spa
Case Officer: Lucy Hammond
01926 456534 lucy.hammond@warwickdc.gov.uk

Registration Date: 14/12/23
Expiry Date: 08/02/24

24 Kenilworth Road, Leamington Spa, CV32 6JB

Refurbishment and internal reconfiguration of the original villa and service wing to provide 1no. 12-bed house in multiple occupation (HMO) and 2no. 3-bed HMOs. Proposed demolition of flat roof single storey rear projection and replacement with a one and a half storey extension to provide 8no. studio units. Extension to coach house to rear to provide 2no. 3-bed HMOs. FOR Cloister Living 2023 LLP

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

RECOMMENDATION

That Planning Committee grant planning permission subject to the recommended conditions set out at the end of this report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought to demolish the existing modern addition to the building which runs to a significant plan depth at the rear and replace it with a new single storey rear extension, to the same overall depth at the rear but connected to the rear of the original villa and service wing by a glazed link with a flat roof. This new extension would provide a total of 8no. 1-bed studio units; each self contained but which, as a cluster, share an additional kitchen/dining space.

It is also proposed to extend the detached coach house at the rear of the site, known as Cariad Cottage, through the addition of a first floor side extension above an existing ground floor flat roof side extension. This would provide a total of 2no. 3-bed Houses in Multiple Occupation (HMO's).

The planning application also involves the complete refurbishment of the original villa and its rear service wing, which, in this latest application, is to be retained and not wholly or partly demolished. The original villa would provide one single 12-bed HMO while the historic service wing would provide a further 2no. 3-bed HMO's. All associated works; landscaping, drainage, etc form part of the proposal for which permission is being sought.

For the avoidance of doubt, all of the proposed works combined are to facilitate the continued use of the site as student accommodation; providing a total of 32no. bedrooms within a combination of HMO's (5no.) and studio style bedsits (8no. 1-

bed units). No external changes are sought to the front elevation of the villa. Furthermore, in the interests of clarity, it should also be noted that the floor plans have been revised through the course of this application. Flat 4 was originally proposed as another HMO providing 8no. bedrooms. Following some comments from the Private Sector Housing team as well as some concerns raised about standards of amenity for future occupiers, the internal configuration of Flat 4 has been amended to show that whilst still providing 8no. bedrooms the cluster flat is no longer a HMO in its true sense as it now proposes 8no. 1-bed studio flats, each one being self sufficient with the provision of a bedroom, living room, kitchenette and bathroom. A shared dining/kitchen space at one end is still proposed for communal use by residents of Flat 4 but this would not be relied upon to provide cooking facilities to those 8no. residents who would instead each have their own kitchenette.

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.

During the consideration period of an earlier planning application in 2020, the building was considered for addition to the Council's Local List of Heritage Assets. It was subsequently added to the List and is now considered a locally listed historic asset, further elevating its significance within the surrounding historic context. The Local List describes the building as a detached villa dating from the 1830s, constructed from pinkish-brown brick with a painted stucco front facade, brick and stucco stacks and Welsh slate roof. The villa is an integral part of a distinctive row of listed buildings on Kenilworth Road. It is defined under Category 1 as both 'A1' for architectural, aesthetic and artistic merit and also 'A2' for its historic merit. This means that the asset has importance due to its architectural design, decoration, construction or craftsmanship either on its own or as part of a group, demonstrating important local architectural styles, types of buildings, materials, building techniques, or local human artistic endeavour and also that the asset illustrates an important element of the area's history, development, and/or can be associated with an important local historic figure or event. Under Category 2 the building is defined as 'B' which relates to its rarity or representativeness; the asset is an unusual or unique surviving example of its type, or is an exceptional example of a particular asset type.

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 vacant but was last in use as student accommodation which offered a total of 32no. bedrooms across both the villa, its service wing and modern rear projection together with the coach house at the back of the site. 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, other than to upgrade and seek to improve the appearance of the frontage. 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'; the detached one and a half storey coach house 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' currently has its own curtilage, hardstanding, parking and amenity space but is all within the site edged red as part of this application. It is noted that the proposals seek to incorporate Cariad Cottage into the rest of the site so there would no longer be two separate curtilages nor any physical delineation or boundary dividing the two parts of the site.

PLANNING HISTORY

W/20/2144 - 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 - **Refused** (July 2021) **Appeal Dismissed** (June 2022)

Reasons for refusal related to the loss, in principle, of a substantial part of an unlisted building in a conservation area, which is also locally listed and which makes a positive contribution to the conservation area and as such was contrary to Policies HE1 and HE2. Moreover, the proposed scale, mass and bulk of the

replacement sought was not found to be of an appropriate scale and nature nor was it proposing to use traditional detailing or materials in accordance with Policy HE3. No public benefits had been identified sufficient to outweigh the level of harm identified. The design and visual impacts were deemed unacceptably harmful and contrary to Policy BE1 and insufficient standards of amenity for future occupiers were identified, contrary to Policy BE3.

When considering the appeal, the Planning Inspector upheld all reason for refusal and subsequently dismissed the appeal.

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**

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
- 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
- FW2 - Sustainable Urban Drainage
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE3 - Locally Listed Historic Assets
- 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- June 2018)
- Open Space (Supplementary Planning Document - April 2019)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Previous objection withdrawn following further consideration of the application and on the basis of latest comments from WCC Highways and Waste Management.

Councillor Syson: Comments summarised below:

- The layout of proposed Flat 4 is puzzling since there seems to be no internal access to the communal area which can only be reached by going outside;
- Would the use of the proposed amenity areas give rise to noise and disturbance to neighbouring properties?
- The level of parking proposed seems to be inadequate;
- Is the cycle storage and parking provision adequate?
- Concerns regarding potential overlooking to neighbouring properties; and
- It is noted that the Air Quality report provided refers to an earlier version of the government's air quality strategy; since there is now a more recent version, does this make a difference to the application?

WDC Conservation: No objection to this revised development but seek further information in relation to proposed materials and finishes on the elevations. A further schedule of materials has resulted in no objection subject to a condition requiring samples of materials.

Health & Community Protection - Environmental Sustainability: No objection subject to condition

Private Sector Housing: Initial comments sought points of clarification. On receipt of further information concerns in respect of lightwells and basement accommodation are satisfied however some concern is raised with respect to Flat 4 and room sizes.

Waste Management: No objection

WCC Highways: No objection

LLFA: No objection

WCC Ecology: No objection subject to conditions and advisory notes

Public Response:

6 objections received raising the following material planning considerations:

- Loss of light to neighbouring properties and gardens;

- Loss of privacy to neighbouring windows and gardens;
- Insufficient parking for the development;
- Proposed works to the coach house at the rear would be imposing for neighbouring properties;
- Concern about noise and disturbance;
- Overdevelopment of the site;
- Impact on trees and ecology;
- Proposed density is not in keeping with surrounding character;
- Proposed amenity spaces are not adequate; and
- Harm to the heritage assets (neighbouring listed buildings and conservation area)

Other non-material considerations were raised.

2 support comments raising the following:

- Good design;
- Brings a presently empty building back into use;
- Small bespoke student developments in this area of Leamington should be welcomed;
- This latest revision to the plans results in far less impact on neighbours and the environment surrounding the property;
- The site has been an HMO since 2001 and this should be recognised;
- Parking for cars has not, to date, caused an issue nor has it exacerbated parking on street; and
- This should be approved without delay, bringing new tenants to the area to contribute to the local economy

Conservation Advisory Forum (CAF): Objection to the application; the proposal is felt to exacerbate an already dense site. While the footprint is similar the height has increased and the coach house is to be further extended. While not listed in its own right, it is still considered to contribute to the setting of the neighbouring listed buildings and conservation area. The proposals to the coach house at the rear are deemed to be unsympathetic and out of character. CAF acknowledge this proposal is a slight improvement on the previously refused scheme however this is not considered to be a good scheme, with small bedrooms, lack of external space and overall uncharacteristic in nature.

ASSESSMENT

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

- Principle of development;
- Impact on heritage assets;
- Visual impact / character of area;
- Impact on neighbouring/residential amenity;
- Access and parking;
- Impact on ecology;
- Drainage;
- Waste Management;
- Sustainability; and

- Management of the site.

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. The site proposes one cluster flat to comprise 8no. individual studio units which are considered acceptable in principle in accordance with Policy H1 given the site's location within the Urban Area of Royal Leamington Spa.

Policy H6 states that planning permission will only be granted for Houses in Multiple Occupation, including student accommodation, where:

- 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 HMOs;
- d) The proposal does not lead to a continuous frontage of three or more HMOs; 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, and
 - ii) The containers can be moved to the collection point along an external route only.

While the proposal would result in a total of 5no. HMOs within the site it is important to note that this would only equate to a net gain of 3no. due to the fact there are already 2no. HMOs at the site. Historically, the original villa, service wing and rear projection has been in use as one large HMO providing 28no. bedrooms while Cariad Cottage has also been in use as a single HMO providing 4no. bedrooms. In total therefore, the existing number of bedrooms present at the site totals 32no.

The proposed development would refurbish the original villa and coach house and provide a replacement rear extension in lieu of the modern rear projection and in so doing would reconfigure the internal layouts such that there would be an additional three HMO's, however this would not affect the total number of bedrooms available, which is to remain at 32no.

In accordance with Policy H6, and in view of the fact that there are already 2no. HMOs within the application site, the 10% calculation undertaken for the purposes of assessing this application has concluded that the proposed HMO concentration percentage within a 100m radius would be 3.18%. This falls below the 10% requirement as set out in H6(a) and is therefore considered acceptable.

The two nearest bus stops to the site are located approximately 115m to the north and a little over 60m to the south, with another one a total of 220m from the site

to the south. These are all well within the recommended 400m walking distance set out in H6(b).

The proposal would not result in a non-HMO dwelling being sandwiched between two HMOs, nor would the proposal lead to a continuous frontage of three or more HMOs, thereby satisfying both H6(c) and (d). The last point of H6 is also satisfied given that refuse bins are proposed to be stored within an enclosure located within the site's curtilage to the front, thereby neither visible nor accessible by the general public. As such, bins can be moved along an external route.

Officers are satisfied that the proposals comply fully with Policy H6 of the Local Plan, although in making this assessment and reaching this conclusion it should be kept in mind that the site already has an established use as student accommodation, delivered through 2no. HMOs. Notwithstanding the net gain of 3no. HMOs the proposals neither intensify nor exacerbate the use of the site to such a degree that it no longer complies with the relevant policy.

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 set out within the policy. Amongst the list is the re-use of previously developed land and buildings when not in conflict with other development plan policies which this development proposal predominantly falls under and to a lesser degree proposals for purpose-built student accommodation when positively assessed against all related development plan requirements and guidance. Officers consider this latter point not wholly applicable on the basis that the development does not propose 'purpose built' student accommodation in its true sense for the proposals involve the refurbishment and extensions of two existing buildings with a view to continuing to provide student accommodation on a site where this is already the established use.

Overall, and having regard to all of the above, the proposal to refurbish, improve and extend the existing buildings on site to continue to provide a total of 32no. student bedrooms through a combination of HMOs and studio units is considered to be 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 HE3 states that development that would lead to the demolition or loss of significance of a locally listed historic asset will be assessed in relation to the scale of harm to loss and the significance of the asset. Change to locally listed historic assets should be carried out using traditional detailing and using traditional materials.

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 205 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.206 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 208 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 was, to begin with, considered a non-designated heritage asset. Since the building was added to the Council's Local List of Heritage Assets following the previous consideration of the 2020 application that was refused, this now means it is treated as a heritage asset and is accordingly afforded the same regard, albeit attracting lesser weight, as a designated heritage asset (e.g. a listed building or conservation area) in policy terms.

Though not statutorily listed in its own right, the property is located in the direct setting of a number of Grade II listed buildings (Nos. 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.

In light of the recent planning history at the site including a previously withdrawn and then a refused application, subsequently dismissed at appeal, pre-application advice has previously been sought from the Local Planning Authority prior to the

submission of an application and the advice from the Conservation Officer, in a consistent manner with previous advice, has summarised that any forthcoming proposal should retain the historic rear wing which bears historic interest and that any demolition of this element would require strong justification.

By way of a brief summary, the first application, which was subsequently withdrawn, proposed the demolition of the historic service wing and conservation advice reiterated an objection not only to the principle of demolition of the historic service wing but to the proposed bulk and mass of the replacement scheme for the site. The subsequent revised scheme, though slightly reducing the height of the proposed development at the rear, still retained the element of demolition of the historic service wing in its entirety, to which a heritage objection was maintained in principle. The application was duly refused and later dismissed at appeal; the Inspector's decision upheld all heritage related reasons for refusal.

In light of this background and context, pre-application advice was once again sought prior to the third submission being made. As is evident in these latest plans, the proposals no longer include any elements of demolition of historic fabric of the building and instead propose to remove only more modern additions in the form of the single storey rear projection which is understood to have been added at some point in the latter half of the 20th century. This aspect of the building is not considered to be of any architectural merit nor is it considered to make a positive contribution to the setting of either the conservation area or the setting of the locally listed historic asset. Objection is therefore not raised to the principle of its loss, though any proposed replacement should be policy compliant insofar as its detailed design and overall scale is concerned.

Now that the proposals seek to retain the original historic service wing and further seek to replace the dilapidated single storey addition with a 1.5 storey building and glazed link which would connect the new extension to the service wing, the combination of the retained elements together with the reduced bulk and mass of new additions is an improvement on previous submission and there is no longer any objection on heritage grounds. Through the course of the application, further information has been sought in relation to the proposed materials and finishes on the elevations. These have been confirmed as brick and natural slate (for the service wing where needed) to match the existing, and brick with zinc or aluminium for the new extension together with aluminium for the windows following conservation advice and recommendations.

The coach house to the rear, which is to be retained and further extended to the side, whilst creating additional built form is very much isolated to the rear of the site and as such is not considered to impose on the character of the conservation area. Proposed materials are brick and natural slate to match the existing, with aluminium windows.

Overall, when comparing this latest scheme to earlier proposals which were refused on heritage grounds, this application presents a significant improvement in terms of the heritage impacts arising from the proposed works. The scheme, when taken as a whole, with the retention of the wing and the siting of the coach house, is therefore considered to have a neutral impact on the character,

appearance and setting of the relevant heritage assets. In such circumstances, it is not necessary to engage the public benefits test.

Policies HE1, HE2 and HE3 are all considered to be complied with along with the Neighbourhood Plan and the NPPF and 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.

This latest scheme has addressed all of the primary areas of concerns in earlier refused schemes. Not only is the bulk and mass significantly reduced by reason of replacing only a single storey element with a new 1.5 storey projection, but the site's frontage is now proposed with additional soft landscaping, less hard surfacing for parking and a secure bin store which has been designed in response to planning and conservation recommendations. The front of the original villa remains unchanged and the resulting side views of the building, when glimpsed through gaps from Kenilworth Road would be altogether far less prominent and more subservient by reason of leaving the historic service wing in situ, similar to the other neighbouring buildings. The coach house is barely visible from the road and in any event the side being extended is screened entirely from public view by the main villa.

With the reduced scale, mass and bulk of the replacement rear extension, its degree of subservience to the main villa and proposed materials, together with the scope of works proposed to the coach house, which is not publicly visible, officers are satisfied that the visual impacts arising from the development would be limited. The resulting building would be visually in keeping with and sympathetic to the character and appearance of the main villa and moreover, would remain characteristic of other neighbouring sites.

Overall, the development is considered to be visually appropriate in terms of both scale, mass and bulk, as well as design, materials and finish and is in accordance with the relevant policies in this regard.

Impact on neighbouring / residential amenity

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 extension would breach the 45° line taken from the rear facing windows of both properties, the point at which the breach occurs is more than 8 metres away on both sides 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.

It is important also to acknowledge that the replacement extension would extend to the same depth as the existing extension already in situ. While the overall height may be increasing, it is noted that the existing flat roof height of 3.1m is to be replaced with a structure which has a lower eaves height of 2.5m and a relatively shallow dual pitched roof measuring just under 5m to the ridge. Accordingly, any impacts resulting from the development, whether perceived or actual, would be no greater than is currently felt by the existing built form.

The replacement rear extension proposes mezzanine bedrooms internally and each unit would have its own rooflight. These are positioned partly over the mezzanine and partly over the void down to the ground floor. While someone may be able to look out of the rooflight to some limited extent, any views afforded would mostly be upwards and over the neighbouring properties rather than outwards and directly down into neighbouring gardens. In any event, consideration has been given to any additional or directly harmful overlooking that may be afforded when compared to the existing windows located in the north facing side of the historic service wing which look directly towards the south facing side of No. 26 and vice versa. Officers are satisfied that this aspect of the development would not result in demonstrable harm to the amenity of neighbouring properties.

With regard to the proposed extension of the coach house at the rear of the plot, this would result in the southern side facing gable of the existing building being brought closer to the neighbouring coach house to the south known as 'The Garden House' located to the rear of No.22. Concerns have been raised by the neighbouring property that the proposed extension would lead to increased overbearing and overshadowing effects as well as direct overlooking resulting from the proposed rooflights in the rear extension of the main villa. Overlooking has been dealt with in the preceding paragraph, therefore, in terms of increased overbearing and overshadowing officers have carefully considered the siting, orientation and relationship between the two buildings in question.

It is noted that the existing side gable of the application building contains a first floor window in it which looks directly towards the neighbour. The new south facing gable wall is proposed to be blank, with no windows. While this would be brought closer to the neighbour to the south, officers note the layout and orientation of the neighbour to the south. Closest to the shared boundary is a single storey 'L-shaped' element which connects on its western side to the double garage (also single storey), and which is arranged around an external courtyard. It is noted that this is not the only outdoor amenity space associated with the neighbour which also has external amenity space to the south (side) and to the west (front) of the property. The courtyard is located on the northern side of the neighbour and while it is accepted that the closer proximity of the first floor extension would make the new gable end more visible from these north facing windows, above the single storey roof of the neighbouring property, this in itself does not automatically equate to material harm. Given the orientation and the relationship between the two buildings, officers do not consider that the proposed addition of the first floor extension would impinge on the amenity of the neighbour to such a degree as to justify a reason for refusal.

Other concerns have been raised by other neighbouring occupiers about potential overlooking arising from new side facing windows within the historic service wing of the application building. However, having considered the two new first floor windows proposed, one in each of the north and south facing sides of the service wing, it is noted that these would each face a blank aspect in the respective side facing walls of both neighbouring properties, therefore leading to no increased direct overlooking in officers' opinion.

If anything, the proposed fenestration in the development as a whole represents a significant improvement over and above the existing situation. Regrettably the building has had a number of windows which are inappropriate in design terms added in the 20th century, which the proposals seek to either replace with windows of a more traditional style, design and size or remove altogether and reinstate the brickwork. Overall, officers therefore do not consider there is any material harm by reason of overlooking resulting from the proposed development.

In considering Policy H6 and the potential for impacts by way of noise and disturbance, it is a material consideration to note the existing use of the buildings on site. Officers do not consider the proposals to reconfigure the internal layouts of the villa, plus extension, and the coach house, would give rise to any additional noise and disturbance over and above the existing situation because it would still provide the same number of bedrooms as existing and to that end would not intensify the use of the site.

Provision of acceptable living conditions for future occupiers

The development seeks to retain the existing number of bedrooms (32no.) through a combination of HMOs and studio flats. Distance separation has been considered against the existing situation i.e. the proposals would provide a very similar development in terms of layout and outlook to the existing set-up and while the rear extension is to be replaced it is still effectively treated as a single storey element. There are no concerns in relation to distance separation and previous

concerns resulting from the earlier proposed layout and the relationship it would have with both the replacement coach house within the site as well as the neighbours either side have been overcome through the revised design.

Comments from Private Sector Housing regarding Flat 4 are noted, however, officers are mindful that Flat 4 comprises individual studio units which are not the same in terms of how they will be occupied and used as typical bedrooms within an HMO. To that end, consideration has been given to the 2024 HMO Landlords Guide which sets out guidance in relation to minimum room sizes, however, it is also noted that there are separate requirements under different legislation (e.g. licensing and environmental health standards) and the relevant material planning considerations should not be clouded by these separate matters.

Having regard to the Landlords Guide it is noted that the communal area still proposed for Flat 4, despite the fact Flat 4 is no longer an HMO, exceeds the 1.9sq.m. per tenant. Accordingly, the bedrooms are not required to satisfy the minimum size. That being said, these are not typical bedrooms in the true HMO sense; rather they are self-contained studio units comprising a living area, kitchenette and en-suite as well as a bedroom and officers are satisfied that Flat 4 affords all the appropriate standards of amenity for future occupiers. Overall, the remaining HMOs illustrate bedrooms and communal living/dining areas which are considered acceptable for future occupiers.

There are no prescribed standards for outdoor amenity space for developments of this nature. The Residential Design Guide refers to a requirement of 10sq.m. per bedroom for flats and apartments but this development comprises predominantly HMOs with a small number of studio units. The applicants have nonetheless applied this standard to their development and accordingly provided in excess of 360sq.m. external space made up of a mix of grassed and paved areas, the majority of which is located to the side and rear of the building. This exceeds the 320sq.m. that would be required if the Residential Design Guide standards were strictly applied however, as stated, this is the standard applicable to flats and apartments and as such it is officers' opinion that the amount of external space proposed is more than sufficient for the type and nature of development proposed.

Having regard to all of the above, officers consider the proposals wholly comply with the provisions of Policy BE3 of the Warwick District Local Plan and the Residential Design Guide with respect to impacts on both existing and future occupiers.

Access and parking / Highway safety

The existing access would be utilised to serve the development. There is already hardstanding to the frontage together with an access drive along the northern side of the building leading to additional hardstanding and capacity for parking to the rear of the villa. Historically, the Highway Authority's response to earlier applications has been one of no objection, with regard had to the transport and technical notes submitted with previous schemes. Since the most recent application was dismissed at appeal the recent highway improvement works along Kenilworth Road are noted, including the provision of a widened footpath and new

cycleway on the same side of the road as the application site. Moreover, it is noted that whereas previous schemes proposed individual studio units, this latest application seeks to continue the established use of the site as student accommodation through HMOs and one flat containing studio units. Accordingly, in making an assessment of parking and highway safety, this proposal considers the total number of bedrooms against the existing number of bedrooms and whether or not the current application should lead to an intensification of the use of the access and/or any increased demand for on-site parking.

The starting point in this regard is therefore whether or not the proposals would increase the number of bedrooms at the site which in turn would likely lead to an intensification of the use of the existing access into the site from Kenilworth Road. The existing development, though currently vacant, provides a total of 32no. bedrooms. The proposed development which seeks to reconfigure some of the internal layouts, still seeks to provide a total of 32no. bedrooms and as such there is no intensification of the use of the site or in turn the access.

While the parking standards require one space for every two bedrooms in an HMO which would necessitate a total of 16no. parking spaces at the site, it is a material consideration to which significant weight should be attributed to consider the existing situation which could resume use at any point in time. This would allow 32no. bedrooms to be occupied with a total of 8no. parking spaces across the entire site. When compared to the proposals there is no difference; 8no. parking spaces are to continue being provided in an improved layout to both the front and rear of the site which would serve the total 32no. bedrooms and since there is no material difference between the existing and the proposed uses, no objections are raised to this element of the development. This position has been confirmed by the Highway Authority.

In the initial response from the Highway Authority however, potential concern was raised about the access to the north alongside the building and whether or not vehicles would be able to safely access the site and safely manoeuvre to be able to exit in a forward gear. Additional tracking information was therefore requested for a delivery van which could demonstrate utilising the turning head while other vehicles are occupying all parking spaces at the rear of the site.

Further information has since been submitted by the applicant which not only demonstrates that a delivery van can safely access the site, safely manoeuvre and exit in a forward gear, but also tracking for a car has been revised to an MPV which alleviates any concerns previously held by the Highway Authority.

With regard to cycle parking, the Parking Standards require a total of 16no. cycle parking spaces which are provided as part of the application, in a secure cycle store located towards the rear of the site. Both Planning and Highways officers are satisfied that the cycle store is sufficiently large enough to accommodate the number of cycles shown on the plans.

Overall, a full appraisal of the proposed development and all information provided with the application has resulted in a response of no objection from the Highway Authority.

Overall officers do not consider there would be any detriment to highway safety and the parking situation remains acceptable as per the existing situation which could be brought back into use at any point with no further permission required. As such the proposals are considered to comply with Policies TR1 and TR3 of the Local Plan as well as the adopted Parking Standards SPD.

Impact on ecology

An updated ecological survey was submitted with the application, the recommendations and conclusions of which the County Ecologist was in agreement. No further survey work is deemed necessary at this time comments made on previous submissions remain the same. No objection is raised to the development subject to some recommended conditions requiring a supervised hand strip due to the small number of features which could become occupied between the survey work being undertaken and the destructive works commencing. It is also recommended that two bat boxes be incorporated into the proposals. Officers are satisfied that the proposals will result in no harm to protected species and the development is acceptable in this regard.

Drainage

There are no flooding and drainage concerns with the development. The LLFA raised no objection to the scheme with regard to flood risk and surface water drainage and no conditions are recommended or deemed necessary. The development is therefore considered acceptable in this regard.

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, plans have been revised to demonstrate that the bin store is large enough to accommodate all necessary wheelie bins and food caddies and officers consider the development is acceptable in this regard.

Sustainability

The latest proposals for this site involve limited new build elements, with the majority of the historic building now being retained and refurbished internally. The proposals overall have been designed with the intention of improving the building's performance; particular aspects include replacement windows throughout, improved ventilation and improved wall specification with additional insulation. Materials are to be locally sourced, and a green roof is proposed on the new link connecting the rear extension to the original service wing. Officers are satisfied, given the scale and nature of the proposals, that the development is acceptable in this regard.

Management of the site

Some concerns have been articulated by local residents about the potential for antisocial or undesirable behaviour from future occupiers. In considering this,

officers have had regard to the fact that this site has been in use as student accommodation for over twenty years and has been in the same ownership for some time. Nevertheless, in seeking to alleviate any potential concerns about the future management of the site, even though the use will not be intensifying as a result of the development, the applicant has submitted a Site Management Plan.

The Plan sets out how the site is to be managed, including reference to refuse, parking, security and general upkeep. It states that regular inspections will be undertaken throughout the term of the tenancy, with a full investigation carried out of any complaints. It also refers to the comprehensive tenant vetting process as well as the clauses within the tenancy agreement which set clear boundaries for behaviour together with expectations and sanctions for any inappropriate behaviour.

It is unusual to be in receipt of a Management Plan for such a small-scale development since they are principally associated with the larger scale purpose-built student accommodation proposals. The fact that one has been produced at all and submitted as part of the planning application demonstrates the continued commitments of the applicant in managing the site effectively and endeavouring to mitigate against any inappropriate behaviours. Officers consider it reasonable to impose a condition on any forthcoming permission requiring the development to be operated in accordance with the Management Plan. This in turn should alleviate any potential neighbouring concerns especially when considering the existing use, and management, of the site.

SUMMARY/CONCLUSION

The proposal to refurbish the historic villa, replace the poor quality single storey rear extension and add a first floor side extension to the coach house at the rear of the site would result in a total of 5no. HMOs and 8no. studio units. Having regard to the existing use of the site, this would result in a net gain of 3no. HMOs but most importantly, the total number of bedrooms across the entire site would remain unchanged, at 32no. The principle of development is considered to be acceptable in accordance with both Policies H1 and H6 of the Local Plan as well as RLS1 of the Royal Leamington Spa Neighbourhood Development Plan.

The building, though unlisted, is locally listed and accordingly treated as a heritage asset. It is also located within the Royal Leamington Spa Conservation Area to whose character and appearance it undoubtedly makes a positive contribution. Unlike earlier submissions at the site which sought to demolish a significant part of the historic building, the revised proposals now seek to retain the original villa and its historic service wing and refurbish them internally. The only demolition proposed involves a later 20th century rear extension which is to be replaced with something of the same footprint and a similar scale, mass and bulk overall. The scale, design and appearance of the works to the rear are acceptable from a heritage point of view and the heritage impacts are considered to be neutral given the amount of retention of historic fabric now proposed and the limited demolition. Moreover, the coach house to the rear is effectively screened from public view and the proposed extension would have a limited impact on the character and appearance of the conservation area.

It is not necessary to engage the public benefits test set out in the NPPF on the basis that harm has not been identified to the setting of any particular heritage asset.

In general design and visual terms, the proposals are considered acceptable. So too, are the impacts on residential amenity, with regard to both existing and future occupiers.

Matters related to highway safety, parking, ecology, drainage, bin storage and sustainability are all considered acceptable and in light of the fact a Management Plan has been produced for the site's future management it is proposed to condition that the site be operated in accordance with that.

Overall, officers are satisfied that these revised proposals for the site are now acceptable in all respects and subject to the relevant conditions and notes being attached to any forthcoming permission, it is recommended that planning permission be granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 173-TAA-01-B1-DR-A-1200 Rev.P02, 173-TAA-01-ZZ-DR-A-1300 Rev.P01, 173-TAA-01-ZZ-DR-A-1400 Rev.P02, 173-TAA-01-ZZ-DR-A-1401 Rev.P01, 173-TAA-02-00-DR-A-1210 Rev.P01, 173-TAA-02-01-DR-A-1211 Rev.P01, 173-TAA-02-ZZ-DR-A-1310 Rev.P01 and 173-TAA-02-ZZ-DR-A-1402 Rev.P01, and specification contained therein, submitted on 07 December 2023; approved drawings 173-TAA-XX-ZZ-DR-A-1701 Rev.P01, 173-TAA-01-00-DR-A-1201 Rev.P04, 173-TAA-01-01-DR-A-1202 Rev.P03 and 173-TAA-XX-ZZ-DR-A-1100 Rev.P06, and specification contained therein, submitted on 08 February 2024; and approved drawing 173-TAA-02-ZZ-DR-A-1403 Rev.P01, and specification contained therein, submitted on 08 April 2024. **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 No part of the development hereby permitted shall be commenced until a scheme for the provision of two bat boxes/bat roosting features to be erected on buildings within the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of box type, location, and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029 as well as the NPPF and ODPM Circular 2005/06.
- 5 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 6 Notwithstanding the details submitted with the application, no development shall be carried out above slab level unless and until further details of the proposed cycle store (to include elevations and proposed 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.

- 7 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 amenity in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029.
- 8 The development hereby permitted shall not be occupied unless and until the approved cycle parking facilities have been provided and made available for use in accordance with the details on the approved plans and 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.
- 9 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.

No dwelling shall be occupied unless and until it has been provided with the appropriate refuse containers necessary for the purposes of refuse, recycling and green waste, in accordance with the Council's specifications.

Refuse and recycling storage containers must be stored within the refuse and recycling storage area shown on the approved plans, unless when being presented on street for collection facilities.

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.

- 10 Prior to the occupation of the dwellings hereby permitted, a minimum of one 16amp (minimum) electric vehicle recharging point 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(ve) 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 points; (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 points 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.

11 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 the roof of the main and of all single storey extensions to the building. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, including the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operations, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent survey work, 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 (to include any evidence found of presence or absence) shall be submitted to the Local Planning Authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

12 The development hereby permitted shall be operated in accordance with the details set out within the 'Site Management Plan: 24 Kenilworth Road' produced by Cobo Living and received by the Local Planning Authority on 08 February 2024. **Reason:** To protect the amenity of neighbouring properties and to safeguard existing and proposed occupiers against any unacceptable impacts by reason of noise and disturbance in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 18 April 2024

Item Number: 6

Application No: [W 24 / 0044](#)

Town/Parish Council: Leamington Spa
Case Officer: Jack Lynch

01926 456642 Jack.lynch@warwickdc.gov.uk

Registration Date: 29/01/24

Expiry Date: 25/03/24

Flat 3, 62 Bath Street, Leamington Spa, CV31 3AE

Change of use from a 3 bedroom dwelling (C3) to a 3 bedroom HMO (C4)
[Retrospective] FOR JRG Properties

This application is being presented to Planning Committee due to an objection from the Town Council having been received.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks retrospective planning permission for a change of use from a 3-bed flat (Use Class C3) to a 3 bed House in Multiple Occupation (Use Class C4).

THE SITE AND ITS LOCATION

The application property is a flat situated on the second and third floor of 62 Bath Street. Bath Street is a mixed use area, comprising of residential properties, retail units and restaurants within the immediate area. Bath Street is a Class B road.

The application site is a Grade II listed Building, located in the Leamington Spa Conservation Area and the Leamington Spa Town Centre Boundary.

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- H6 - Houses in Multiple Occupation and Student Accommodation
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas

- TR3 - Parking
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS3 - Conservation Area
- RLS4 - Housing Character Outside the Conservation Areas

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection. Supports objection from Waste Management. Would like to see the installation of air infiltration system.

WDC Conservation: No objection.

WDC Waste Management: Objection. Concerned about the existing waste arrangement for the site. Notes that there is an issue regarding fly tipping on days preceding refuse collection.

Private Sector Housing: No objection.

WDC Environmental Health: No objection, subject to Waste Management being satisfied.

Public Response: Two objections have been received, raising the following concerns:

- concentration of HMOs far exceeds the 10% limit in H6;
- the main thoroughfare exception does not apply because the proposal would lead to an increase in activity along nearby residential streets;
- insufficient provision for waste storage;
- harmful air quality impacts for occupants;
- harmful noise impacts for occupants from road and railway noise and licensed premises; and
- no cycle storage.

ASSESSMENT

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

- Local Plan Policy H6 and whether the proposals would cause or add to a harmful overconcentration of HMOs;
- impact on the character of the Listed Building, the Conservation Area and wider streetscene;
- impact on neighbouring properties; and
- parking & highway safety.

Concentration of HMOs

It needs to be considered whether the proposal 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.
- 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.

H6 Assessment:

- a) The existing property is a 3 bedroomed flat. Within a 100-metre radius there are 57 existing HMOs out of 237 residential units. The existing concentration level is at 24%. The addition of one further HMO would increase the concentration of HMOs to 24.50%.

Local Plan Policy H6 goes on to state that exceptions to a) may be made where the application site is located on a main thoroughfare in a mixed-use area where the proposal would not lead to an increase in activity along nearby residential streets (for example, by way of pedestrian movements between the application site and the town centre or car parking).

Officers consider that the site is on a main thoroughfare. Bath Street is a mixed use area, comprising of residential properties, retail units and restaurants within the immediate area. Bath Street is also a Class B road. The site is therefore considered to meet the above exception to H6(a) as it is unlikely that the proposal would lead to increased activity along nearby residential streets.

- b) The nearest bus stop is located on Bath Street which is within 400 metres walking distance of the property.
- c) The proposal does not result in a non-HMO dwelling being sandwiched between 2 HMOs.
- d) It does not lead to a continuous frontage of 3 or more HMOs.
- e) Officers do not consider there would be any change in waste provisions if the change of use of the flat to a HMO were to be approved. Waste is stored out of sight in the flat until collection day, when the waste is moved to the frontage.

An objection has been received from Waste Management and subsequently an objection has been received from the Town Council. Concerns are raised about existing issues with domestic refuse being fly-tipped on the street before collection day. However, it should be noted that in a recent appeal decision at Third Floor Flat, 28 Clarendon Square Appeal Ref: APP/T3725/W/23/3320938, the Inspector raised no concerns over the refuse arrangement, which is similar to this application site in that refuse is kept in bags and brought to the front of the site on collection day. In their report they highlighted, "In regard to waste, at the time of my visit, it appeared that all properties within the terrace leave rubbish bags within the street for collection and do not have waste bins. Also, I have no evidence to suggest that the proposed 4-bed HMO would produce more waste or additional waste-related concerns than that of the previous 3-bed apartment". This case also saw the introduction of an additional bedroom, whereas the current proposal (W/23/0044), introduces no additional bedrooms.

Whilst these concerns are noted, Officers consider the proposal to comply with the requirements and exceptions set out in Local Plan Policy H6.

Impact on the character of the Listed Building, the Conservation Area and wider streetscene

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

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

Paragraph 205 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.

The provisions of the Framework are repeated in the Local Plan, which at Policy HE1, sets out the expectation for development proposals to have appropriate regard to the significance of designated heritage assets. Permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting. 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 expects development proposals to have appropriate regard to the character and setting of conservation areas. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

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.

Policy RLS3 of the Neighbourhood Plan relates to development affecting the conservation area and listed buildings and seeks to ensure that proposals respect their significance.

The development does not include any external alterations and therefore does not have any impact on the character of the street scene, Listed Building or Conservation Area

The proposal is therefore considered to be in accordance with the aforementioned policies.

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.

The proposed change of use includes no external alterations. The proposal is therefore unlikely to have a material impact on neighbouring residential amenity.

The proposed HMO would provide adequate living conditions for the future occupiers. It is noted that there is no private amenity area provided for the future occupiers. However, this is the same arrangement for the current occupiers of the flat. Similarly whilst objectors have raised concerns in relation to air quality and noise, these impacts would be the same as for the existing flat. It should also be noted that the application is within a town centre location and there is access to local parks.

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

Parking & Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

In accordance with the Council's Parking Standards SPD, the existing parking requirement for a 3-bedroom dwelling is 2 spaces and the requirement for the proposed 3 bed HMO is 2 spaces. The proposed change of use would therefore not result in an increase in the requirement for parking compared to the existing lawful use as a 3-bedroom dwelling.

Objectors have raised concerns about the absence of cycle parking provision. As with car parking, there would be no change in this requirement compared with the existing dwelling.

Therefore, the proposal complies with Local Plan Policy TR3 of the Local Plan and the associated SPD.

CONCLUSION

The 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. There would be no increased demand on parking as a result of the change of use. The change of use is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved site location plan, block plan (submitted on the 29th January 2024), and drawing number 23/038/P01 submitted on the 15th January 2024, 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.

- 2 The total number of bedrooms shall not exceed 3. REASON: To ensure satisfactory amenity for occupiers of the dwelling and to ensure the satisfactory provision of off-street parking in accordance with the Local Planning Authority's Parking Standards and in the interests of highway safety and residential amenity in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029.
