

Planning Committee: 01 December 2020

Item Number: 7

Application No: [W 20 / 1190](#)

Town/Parish Council: Leamington Spa
Case Officer: Helena Obremski

Registration Date: 30/07/20

Expiry Date: 24/09/20

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90 Queensway, Leamington Spa, CV31 3JZ

Demolition of existing semi-detached houses and erection of a residential block containing 9 apartments. FOR Shire Developments Limited

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed in the report.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the demolition of two existing semi-detached houses and the erection of a residential block containing 9 apartments. The scheme provides on site parking and the introduction of an additional access from Linkway.

The scheme has been amended during the course of the application to remove the use of render and improve the living conditions for the future occupiers in reference to the provision of adequate outlook. The parking and access arrangements have been amended in line with the recommendations from WCC Highways and the bin storage arrangements have also been amended in accordance with comments from Waste Management.

THE SITE AND ITS LOCATION

The application site currently benefits from two semi-detached dwellings which are accessed from Queensway. The site is at the end of a run of similarly designed residential properties along the north of Queensway, in an elevated position when approached from the west. To the west of the site is a McDonalds drive through restaurant, to the north is an area of public open space known as Fords Fields and to the south of the site is a mixture of residential and commercial premises, including an Aldi supermarket. The north of the site runs along the Canal Conservation Area boundary. The canal itself is located approximately 150 metres away to the north.

PLANNING HISTORY

W/19/1309 - application withdrawn for the demolition of existing semi-detached houses and erection of a residential block containing 9 apartments.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- H1 - Directing New Housing
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- TR1 - Access and Choice
- TR3 - Parking
- FW3 - Water Conservation
- H4 - Securing a Mix of Housing
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
Officer Note - While this is not yet formally made (as it has not yet been through a referendum) the above document has been through its final examination and as such is afforded substantial weight in the decision making process.
- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS2 - Housing Design
- RLS4 - Housing Character Outside the Conservation Areas
- RLS5 - Royal Leamington Spa Housing Mix and Tenure

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection, subject to appropriate provision being made for a separate access point for pedestrians, particularly in terms of access to Fords Field and crossing opposite to the cycle path to Aldi.

Councillor Chilvers: Neutral, for this application to have my support it would need to have high standard separate pedestrian access - ideally towards both Fords Field and the crossing opposite the cycle path by Aldi. Such an access would reduce the number of vehicle journeys because it would be easier to get to the Shires and Morrisons / town on foot. In light of the Climate Emergency declared by the Council if there is a balance between 'character of the area' and high standard energy efficient design weight should be given to measures that contribute towards the site being as close to zero carbon as possible.

WCC Landscape: No objection, the applicant should provide a detailed Landscape Plan to include all hard and soft landscape, including boundary treatments etc. The gap in the hedge at the north west corner should be infilled using species to match adjacent plants within G3. The boundary planting would also benefit from an additional light foliated tree to provide light screening / framing to the proposed building.

WCC Highways: No objection, subject to conditions.

Inland Waterways: No objection.

Canal and River Trust: No objection.

Environmental Protection: No objection, subject to conditions.

WCC Ecology: No objection, subject to conditions.

Waste Management: No objection, note that recycling storage has not been provided and query on distance from bin storage areas to dropped kerbs.

Tree Officer: No objection, subject to condition.

Public Responses:

1 Neutral: increase in traffic congestion and queuing - all vehicles should access the site from Linkway. The postal address should be Linkway to ensure deliveries and visitors do not park on Queensway.

8 Objections:

- there is too much ambiguity regarding the height of the proposed development;
- the shape and materials do not tie in with the existing buildings;
- the development will cause added noise and disturbance to an area that already suffers from noise pollution from vehicles and anti-social behaviour;
- concern regarding impact of development in relation to subsidence and noise impacts during construction works;
- additional traffic along an already congested road - a comprehensive construction method statement is required;
- impact of additional traffic on highway and pedestrian safety and parking;
- lack of visitor parking and impact on existing residential parking;
- there are enough flats in this area already;
- those supporting the proposals do not live in areas which will be affected by increased parking.

2 Support:

- the development will enhance the area, is an improvement on the current buildings, and is very in keeping with the surrounding area;

- is in an ideal location for people to live without using the car, making it a sustainable location;
- the secure cycle storage and electric charging points make it more environmentally friendly;
- the proposal offers much needed smaller accommodation;
- the development would be built to current building standards, being far more energy efficient than the current accommodation.

ASSESSMENT

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

- Principle of Development
- Impact on the Character and Appearance of the Area
- Impact on the Setting of the Conservation Area
- Sustainability
- Impact on Neighbouring Residential Amenity and Amenity of the Future Occupiers of the Dwellings
- Parking and Highway Safety
- Waste Management
- Trees
- Ecology
- Drainage
- Housing Mix
- Other Matters

Principle of Development

RLSNDP Policy RLS1 states that new housing development within the Royal Leamington Spa Urban Area will be supporting for the following:

1. Re-use of previously developed land and buildings.
2. Infill development of less than 10 dwellings, that does not lead to the loss of residential gardens (unless in accordance with Policy H1 of the Warwick District Local Plan), overdevelopment, or have a significant adverse impact on the amenity of adjacent existing and future occupiers and uses.
3. Proposals for custom and self-build housing provision that are acceptable when assessed against Warwick District Local Plan Policy H15.
4. Community-led housing developments and the provision of live/work units on the Court Street area as defined in allocation H16 of the Local Plan.
5. Proposals for purpose-built student accommodation when positively assessed against Local Plan and any relevant supplementary planning document.

Development of previously developed land shall undertake a surface water outfall assessment, following the Drainage Hierarchy (National Planning Practice Guidance, paragraph 80) to determine if there are viable alternatives to existing connections to the combined sewer network.

The proposal would represent the reuse of previously developed land within the urban area boundary and therefore meets the above requirements for new housing development.

The agent has confirmed that the development would not be connecting to a combined sewer system. The stormwater will either go to soakaways, if the ground conditions are suitable, or more likely to an attenuation tank, with the outlet connecting to an existing surface water sewer running adjacent to the site, as shown on the drawings. Therefore, a surface water outfall assessment is not deemed necessary in this instance.

Local Plan Policy H1 states that new housing development will be permitted within the urban areas. Leamington Spa is identified as being an urban area on the proposal maps and therefore meets this criteria. The principle of housing on this site is therefore considered to be acceptable and accords with the requirements of Local Plan Policy H1 and RLSNDP Policy RLS1.

The impact on the Character and Appearance of the Area

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

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

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

Members of the public raise concern regarding the proposed development, stating that there is too much ambiguity regarding the height of the proposed development and that the shape and materials do not tie in with the existing buildings.

Supporters of the proposal state that the development will enhance the area, is an improvement on the current buildings, and is very in keeping with the surrounding area.

The existing properties are in a relatively prominent position, on elevated ground level and act as the marker to a fairly uniform run of two storey residential properties along the north of Queensway when approached from the west. Under the previous application which was withdrawn, Officers felt that the development was incongruous in that it did not relate to the development which it would sit adjacent to and would have appeared out of keeping. The scheme was withdrawn and the amended submission has successfully addressed Officer's concerns. The proposal now incorporates gable frontage designs which mimic the gable features of the existing residential properties and the materials, as amended, will match those of the dwellings which it would sit next to, being of brick and tile construction.

The height of the smaller gable has been reduced so that it would tie in with the ridge height of the adjacent property and the building steps down towards the west of the site, matching the different land levels to provide an additional floor. This is considered to have been sensitively designed into the scheme so that the development turns the corner and provides an active frontage towards the west, which is still in keeping with the existing pattern of development along the north of Queensway. The larger front facing gable has been designed to be the same height as 88 Queensway, thus providing an appropriate reference point and therefore the height of the development will not be out of keeping within the wider street scene. It is also noted that finished floor levels have been provided on the drawings, therefore it is not considered that there is any level of ambiguity regarding the proposed height of the development.

The design of the development is considered to meet with the requirements of policy RLS4 as it would create new off-street car parking and provides a form of development which responds positively to the adjacent residential character.

The proposed materials can be controlled by condition to ensure a high quality development. The amended scheme is considered to provide an appropriate form of development which would represent an efficient use of the land which is currently under utilised, in a sustainable location. The proposal is considered to respond appropriately to its surroundings, providing a modern development which also respects the existing built form. Therefore, the proposed development is considered to be in accordance with Local Plan Policy BE1 and the relevant RLSNDP policies.

Impact on the Setting of the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

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

Although the site is located adjacent to the boundary of the canal Conservation Area, the canal is some 150 metres from the site. Furthermore, the site faces away from the watercourse and is separated from it by public open space. The existing buildings whilst of an appropriate design for the context, are not considered to add value to the setting of the Conservation Area and therefore their removal is considered to be acceptable in principle. The Conservation Officer has been consulted and comments that they have no objection in principle to the proposed development. They note that the development site is not read in any context with the canal side and does not impose on any key visuals. The materials proposed, including clay tiles and aluminium windows, are high quality and they support the use of these, subject to approval of samples via a condition, which has been added. Render has now been removed from the proposal, with the façade comprising of brickwork which better relates to the urban character of Queensway.

It is also noted that the Inland Waterways and Canal and River Trust have no objection to the development. The proposal is therefore considered to preserve the setting of the Conservation Area and is considered to be in accordance with Local Plan policies HE1 and HE2.

Sustainability

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

Life, or an equivalent assessment framework, should be used to assess the suitability of proposals.

Councillor Chilvers has commented that in light of the Climate Emergency declared by the Council if there is a balance between 'character of the area' and high standard energy efficient design weight should be given to measures that contribute towards the site being as close to zero carbon as possible. Members of the public in support of the application state that the development would be built to current building standards, being far more energy efficient than the current accommodation, and that the secure cycle storage and electric charging points make it more environmentally friendly.

The applicant has provided a Sustainable Homes Assessment in order to address part of policy RLS2 which provides a useful overview of the sustainability aspirations of the proposed development. This informs that the proposal has been assessed against The Code for Sustainable Homes, as the headings are still a useful guide (despite being superseded), the National Technical Standards and current Building Regulations. The development meets current planning requirements and Building Regulations, and the apartments are at least Level 4 of The Code for Sustainable Homes. Using energy efficiency measures such as triple glazing, ventilation, heating measures, solar panels and energy efficient lighting the applicant concludes that the level will be higher than Level 4, but would not reach Level 5. This is considered to meet with the requirements of policy RLS2.

The applicant has provided an assessment of the proposed development against Building for Life 12 (BfL12), which is proposed as a design tool to help structure discussions about proposed new residential development between home builders, Urban Development Corporations, local authorities, communities and other stakeholders. There 12 criteria against which proposed development should be assessed and the answers to the 12 criteria / questions are scored as either green, amber or red with an aim to achieve as many 'greens' as possible with a recommendation in the guidance of at least 9, for 'amber' scores to be challenged and for 'red' scores to be avoided.

The applicant scores the proposal with 9 green scores, three amber scores and no red scores. The applicant has also explained that where the development scored amber (public and private amenity spaces; streets for all; and, easy to find your way around), these are not wholly applicable to the assessment of a development of this scale, with this being a small development of 9 apartments. Officers agree with this approach, noting that no public amenity areas would be required because of the scale of the development, that there is no "street" as such provided by the development because of its scale and that the proposal again is of such a scale where it would not become difficult to navigate. The applicant has articulated why they consider the remaining 9 criteria should be considered as green, such as the fact that the development is well served by public transport, that the development takes character inspiration from nearby development and how the development has been designed to work well with the different site levels. Officers concur with these conclusions. The requirements of Policy RLS2 are therefore considered to have been met.

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

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

Members of the public consider that the development will cause added noise and disturbance to an area that already suffers from noise pollution from vehicles and anti-social behaviour.

Impact on neighbouring residential amenity

The proposed development would not result in a conflict with the Council's 45 degree guidance or an under provision of the required distance separations between the existing and proposed development.

A construction management plan has been submitted with the application which sets out how nuisance to nearby residential dwellings will be minimised during the works which has been assessed by the Council's Environmental Health Officer. They consider that the information provided is acceptable and would ensure adequate protection of neighbouring residential amenity. A condition will be added to ensure that the works are carried out in accordance with the details submitted.

It is therefore considered that the proposed development would have an acceptable impact on amenity.

Living conditions for the future occupiers

As amended, all of the proposed apartments would be provided with adequate outlook, light and privacy in accordance with the requirements of the Council's relevant supplementary planning guidance. Officers did have some concerns about the outlook for bedrooms facing towards the east of the site, however the drawings have been amended so that these rooms are provided with an acceptable north facing outlook.

An amenity area has been provided on site for the future occupiers which meets with the minimum size requirements set out within the Residential Design Guide.

A noise assessment was provided in support of the application which identifies that noise levels at the proposed development site are elevated therefore noise mitigation measures are necessary. The noise report recommends that an acoustic fence is provided along the boundary of the development and that a glazing and ventilation scheme is provided for the properties themselves. These measure will ensure that the recommended indoor and outdoor noise criteria from the World Health Organization guidelines and BS8233: 2014 can be achieved. A condition

will be added to ensure that these mitigation measures are installed prior to occupation and retained.

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

Parking and Highway Safety

Members of the public have raised concerns regarding the increase in traffic congestion and queuing associated with the proposed development, and suggest that all vehicles should access the site from Linkway. The postal address should be Linkway to ensure deliveries and visitors do not park on Queensway. Members of the public also raised concerns regarding the impact of additional traffic on highway and pedestrian safety and parking, and note that there is a lack of visitor parking and the impact this would have on existing residential parking. It should be noted that these comments were submitted in reference to the originally submitted plans, rather than those which have been amended.

The parking requirement for the proposed development in accordance with the Vehicle Parking Standards is 13 spaces, which have been provided within the site boundaries (2 of the spaces are provided in an undercroft). A secure dedicated cycle storage area is also provided which would accommodate the required number of spaces. Owing to the scale of the development, there is no policy requirement for the provision of visitor spaces.

An access is proposed to the site from Linkway, in addition to the access from Queensway. It should be noted that the access from Queensway is existing and that two dwellings currently utilise this. WCC Highways initially raised concerns regarding the intensification of the existing access and impact on the highways network. The site layout has been reorganised so that five, rather than eight vehicles would access the site from Queensway, with the remaining vehicles using the access from Linkway. Considering that currently the parking requirement for the site is four spaces, this is an intensification of the access from Queensway by one space and is considered to have an acceptable impact on the highways network. WCC Highways therefore now have no objection to the proposed development on the basis of highway or pedestrian safety concerns, subject to conditions.

A construction management plan has been submitted, which the Highways Authority considered to be acceptable, and will be secured by condition.

The proposal is therefore considered to be in accordance with Local Plan Policies TR1 and TR3, and the Vehicle Parking Standards SPD.

Waste Management

Waste Management initially raised concerns regarding a lack of sufficient waste storage. This have been updated on the plans so that two dedicated communal waste and recycling storage areas are provided, which meet with Waste Management's criteria. It is noted that the waste storage containers nearest to Queensway would be 12 metres, rather than the suggested 10 metres from the highway. However, given that on balance that it is just two additional metres

which the operatives will need to move the bins along a well maintained, flat surface and that the proposal in all other respects is acceptable, this is considered to be a modest compromise in order to facilitate the development.

Trees

There are a number of trees to the north of the site within the public open space and a large street tree to the south of the site which hold levels of amenity value. A tree survey was submitted in support of the application which has been assessed by the Council's Tree Officer. One tree within the central portion of the site, which is category C (of low quality and value) will be moved to another location and a group of buckthorn which is category U (in such a condition that existing value would be lost within 10 years and should be removed) will be removed. Neither of these trees are considered to have amenity value and their loss is not considered to be harmful in terms of amenity.

The Tree Officer has assessed the application and states that the loss of one tree within the site has been adequately justified, along with the removal of defective marginal trees. A detailed arboricultural method statement will be required if the proposal is approved, which must embrace the highway tree labelled T3 and the buffer to the north of the site, T5 – T11 as well as the boundary trees in G1 to G3. This can be adequately secured by the condition recommended by the Tree Officer which has been attached.

The Landscape Officer has requested that a detailed Landscape Plan to include all hard and soft landscape, including boundary treatments is provided. They request that the gap in the hedge at the north west corner should be infilled using species to match adjacent plants within G3. The boundary planting would also benefit from an additional light foliaged tree to provide light screening / framing to the proposed building. A condition for a landscaping scheme has been added to address this matter.

The proposal is therefore considered to have an acceptable impact on trees.

Ecology

A Preliminary Ecological Appraisal and Bat Survey were provided in support of the application which have been assessed by WCC Ecology. No bats were identified in the existing buildings, however, owing to their mobile nature, the Ecologist recommends that roofing materials are stripped by hand. House sparrows were observed nesting in the building and there it is recommended that works are carried out outside of the nesting bird season or that an ecologist checks the site prior to works commencing. The Ecologist recommends that roosting features for bats and nesting birds are incorporated into the new building to ensure no net biodiversity loss as a result of the proposed development.

Conditions can secure all of the above measures which will be added. The proposal is therefore considered to be in accordance with Local Plan policies NE2 and NE3.

Drainage

RLSNPD Policy RLS2 states that new housing development should include design features and measures to reduce the impacts of climate change by increasing resilience to extreme weather events, including the increased risk of river and surface water flooding. Applicants should be able to demonstrate that their proposals are water efficient and that unless not reasonably practicable the design includes water efficiency and re-use measures. A condition can be included to ensure compliance with Local Plan Policy FW3 and RLS2 of the RLSNDP.

Housing Mix

RLSNPD policy RLS5 states that within the Neighbourhood Area the housing mix and tenure should, where applicable:

- a) Be informed by a rigorous and up-to-date assessment of housing needs;
- b) Take opportunities to provide detached and semi-detached family homes which are currently underprovided; and
- c) Within South Leamington, seek to rebalance the existing rented/owner occupied mix by the provision of homes for affordable owner occupation.

Local Plan policy H4 states that the Council will require proposals for residential development to include a mix of market housing that contributes towards a balance of house types and sizes across the district, including the housing needs of different age groups, in accordance with the latest Strategic Housing Market Assessment.

The proposed development would provide 5no. one bedroom flats and 4no. two bedroom flats. The Mix of Housing Statement prepared by the Council requires that the mix of market housing be between 5 - 10% one bedroom properties, 25 - 30% two bedroom properties, 40 - 45% three bedroom properties and 20 - 25% four bedroom properties. Therefore, the proposal does not provide the mix of housing in line with guidance set out in the Housing Mix Statement, nor would it directly address the requirements of policy RLS5.

However, it should be noted that policy RLS5 above states that housing mix and tenure requirements should only apply *where applicable*. This is a small site which has physical constraints, and is positioned in an area with commercial and flatted development. To provide either a larger development to accommodate flats with an increased number of bedrooms would be harmful to the character of the area, or proposing a site with a mixture of houses and flats would also be at odds with the existing established character of the area.

Policy H4 of the Local Plan states that in assessing the housing mix in residential schemes, the Council may take into account certain circumstances where it may not be appropriate to provide the full range of housing types and sizes. One of these circumstances is where the site is positioned in a highly accessible location, where low / medium density housing may not be appropriate. It is considered that the site is in a highly sustainable location and that these circumstances apply in this case.

Changing the scheme to meet the requirements of policy RLS5 would likely have significant detrimental impacts on the character of the area, therefore it is concluded that the requirements of this policy are not applicable in this case.

Other Matters

Both the Town Council and a local Councillor have requested that additional pedestrian accesses are included towards both Fords Fields and the crossing opposite the cycle path by Aldi. The local Councillor considers that this would reduce the number of vehicle journeys because it would be easier to get to the local retail park and the town centre on foot. Officers have considered this request, however, the site has been laid out in such a way that it links to public footpaths surrounding the site, which in turn easily link north to Fords Fields and south to the nearby retail park. Officers have discussed the addition of a pedestrian access to the rear of the site into Fords Field with the agent, however, owing to the extent of the established vegetation this would not be practical to install. The agent has provided a drawing which shows the pedestrian linkages to the site, which are considered to be well connected as existing. It is not considered that adding an additional pedestrian access to the west or north of the site would significantly reduce or improve walking times into the town centre, or likely dissuade those wishing to walk if it were not there. It is therefore not considered reasonable to insist on additional pedestrian accesses to the site, which is considered to be sufficiently provided for in this respect. This is considered to be a highly sustainable location with good pedestrian access to nearby services.

Members of the public have raised concerns regarding the impact of the development in relation to subsidence to nearby properties. However, this is not a material planning consideration.

Members of the public state there are enough flats in this area already. However, the site is located in a sustainable location where the provision of additional housing is seen as a material benefit, which would add towards the Council's housing delivery.

Members of the public have stated that those supporting the proposals do not live in areas which will be affected by increased parking. However, this is not a material planning consideration.

Supporters of the proposal state that the site is in an ideal location for people to live without using the car, making it a sustainable location, and that the development offers much needed smaller accommodation. These are both noted as material benefits of the scheme.

Conclusion

The proposal represents the efficient use of an under-utilised site which would provide additional residential accommodation in a sustainable location. Parking is provided on site in accordance with the requirements of the Vehicle Parking Standards. The development would have an acceptable impact on neighbouring amenity and ecology, and would provide adequate living conditions for the future occupiers. The development is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 1010-10 Rev F, 1010-11 Rev C, 1010-12 Rev C, 1010-13 Rev B and 1010-14 Rev C submitted on 13th November 2020, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby permitted shall not commence unless and until tree protection / mitigation measures have been submitted to and approved in writing by the LPA and the approved measures have been put into place. The approved measures must remain in place for the duration of construction works. The information to be submitted for all of the trees within the site as well as those off-site trees affected by the proposed demolition and re-development must include:

 - a] an arboricultural implications assessment, arboricultural method statement and tree protection plan in accordance with Clause 7 of British Standard BS5837 - 2012 Trees in Relation to Design, Demolition & Construction which also includes any proposal for pruning or other preventative works
 - b] an arboricultural site monitoring protocol that will confirm to the local planning authority by independent examination that the agreed tree protection measures are in place for the duration of the development.

Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 4 The development hereby permitted shall either:

 - a) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
 - b) Not commence until a qualified ecologist has been appointed by the applicant to inspect the building and vegetation 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 the ecologist. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 5 No development shall be carried out above slab level unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatments, 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.

- 6 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.
- 7 No development shall be carried out above slab level unless and until a scheme for the provision of roosting features for bats and nesting features for house sparrows and swifts incorporated into the building within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box types, location and timing of works. Thereafter, the features shall be installed and maintained in perpetuity. **Reason:** To ensure a net biodiversity gain in accordance with NPPF and policy NE3 of the Warwick District Local Plan 2011 – 2029.
- 8 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in

accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.

- 9 The development hereby permitted shall not be occupied unless and until the cycle storage areas for the development has been constructed or laid out, and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of cycles associated with the development. **Reason:** To ensure the satisfactory provision of cycle storage in accordance with the local planning authority's standards and the satisfactory development of the site in accordance with Policy TR3 of the Warwick District Local Plan 2011-2029.
- 10 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 potential roosting features of the building to be affected as identified in the Preliminary Ecological Appraisal (dated July 2019). All material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 11 The development shall be carried out in strict accordance with the details of the finished floor levels as shown on the approved plans or any subsequently approved amendments. **Reason:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 12 The development hereby permitted shall not be occupied unless and until the refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **Reason:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the

satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 13 No dwelling hereby permitted shall be occupied unless and until the car parking provision for that dwelling has been constructed or laid out, and made available for use by the occupants to the dwelling and thereafter those spaces shall be retained for parking purposes at all times. **Reason:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029.
- 14 The development hereby permitted shall not be occupied unless and until the noise mitigation measures detailed within the Walnut Acoustics report (Ref. WA/0720/NA-404, dated 29/07/2020) have been completed in full accordance with the approved details. The noise mitigation measures shall be retained thereafter. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 15 Prior to the occupation of the dwellings hereby permitted, the electric vehicle charging points shall be installed in accordance with the approved details contained within the air quality mitigation statement (prepared by Richard Noonan Architectural Consultant, Ref. 1010-AQMS-A, dated 25th July 2020). 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.
- 16 The accesses to the site for vehicles shall not be used unless public highway footway/verge crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** To ensure that a pavement and verge crossing is available for use when the development is completed thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 17 The development shall not be occupied until all parts of the existing accesses within the public highway not included in the permitted means of access have been closed and the kerb, footway and verge have been reinstated in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 18 The development hereby permitted shall only proceed in strict accordance with the approved Construction Management Plan and site compound layout plan. **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.
- 19 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted. Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted . All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
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