

Planning Committee: 16 August 2023

Item Number: 6

Application No: W 23 / 0239

Town/Parish Council: Whitnash
Case Officer: Millie Flynn

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Registration Date: 24/02/23

Expiry Date: 21/04/23

Land at Field Close, Leamington Spa
Erection of 1no. dwelling FOR Trio Square Ltd

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the erection of 1no. dwelling.

It should be noted that since the original submission of the application, the proposal has been amended slightly to ensure that the proposal is in accordance with the separation distance stipulated in the Council's Residential Design Guide SPD.

THE SITE AND ITS LOCATION

The application site is positioned to the north of Harbury Lane. Previous applications have been approved for the major development of ~954 dwellings to the north and south- west of the application site. The application site is accessed from a private road which provides access to the site. The site currently comprises 8 detached dwellings which were approved under the previous scheme.

PLANNING HISTORY

W/20/0333 - Variation of Condition 2 (plan numbers) of permission ref: W/17/1612 to allow for amendments to the siting of the plots, design alterations to elevations of dwellings, amendment to house type (plot 8) and inclusion of car ports – *Granted by Committee April 2020*

W/19/1920 - Proposed variation of Condition 14 (requirement for extension of footway along Harbury Lane prior to occupation) of application ref: W/17/1612 to allow for a reduced visibility of 70 metres to the west (from 90 meters) – *Granted January 2020*

W/17/1612 - Erection of 8no. detached dwellings with associated garages and improved access road – *Granted December 2017.*

W/17/0330 - Erection of nine detached dwellings with associated garages together with improvement works to existing access – *Withdrawn*.

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
- CC1 - Planning for Climate Change Adaptation
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- NE5 - Protection of Natural Resources
- TR1 - Access and Choice
- TR3 - Parking
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document- June 2018)
- Whitnash Neighbourhood Plan (2011-2029)

SUMMARY OF REPRESENTATIONS

Whitnash Town Council: Objects to the proposal with concerns regarding overdevelopment and increase traffic and traffic noise onto Harbury Road.

WCC Ecology: No objection, subject to condition.

WCC Highways: No objection, subject to condition.

WCC Landscape: Objects to the proposal.

WDC Waste Management: No objection.

WDC Environmental Health: No objection, subject to condition.

WDC Tree Officer: No objection.

Public Responses: 9 objections received on the following grounds:

- Loss of green space/ communal area
- No visitor car parking provided.
- Already crowded development.
- Loss of privacy
- The separation distance between dwellings does not meet the required 22.0m
- Existing road is too narrow to accommodate an additional dwelling.
- Overdevelopment of the site.

- The 20% unallocated parking has not been provided when considering the 5 approved dwellings on the site.
- Increase in traffic.
- Further impacts on parking
- Impacts on residents/ pedestrian safety.

ASSESSMENT

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

- Principle of development
- The impact on the character and appearance of the streetscene
- The impact on the living conditions of nearby dwellings and living conditions for the future occupiers.
- Parking and highway safety
- Ecological Impacts
- Waste
- Other Matters

Principle of the Development

Local Plan Policy H1 directs new housing to the urban areas. The site is located within the urban area of Leamington Spa. The proposal seeks to erect 1no. new dwelling on Field Close on land in the ownership of the adjacent dwelling. Given that the application site is located within an urban area and the proposal will harmonise with and reinforce the character of the area, the principle of development is acceptable.

The proposal therefore complies with Local Plan Policy H1.

The impact on the character and appearance of the streetscene

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, Local Plan 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 the 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 importance features; respecting the surrounding buildings and using the right materials.

The proposed house type is considered to be in keeping and similar to the existing dwellings located along Field Close, in terms of scale, pitch, roof detailing and facing materials. The site is nestled amongst a variety of styles of residential properties, including new-build dwellings to the north of the site.

The dwelling has been designed with similar architectural details as the neighbouring properties such as brick soldier courses above the windows and canopy porches. This adds further visual interest and ensures the proposal is read as part of the surrounding high-quality development. Sample materials will still be secured by condition to ensure that the proposal is successfully integrated with the existing streetscene.

The proposed dwelling is considered to represent an appropriate form of development, which would not detract from the character of the area and are not considered to disrupt or harm landscape views. The proposal is considered to be in accordance with Local Plan Policy BE1.

The impact on the living conditions of nearby dwellings and living conditions for the future occupiers.

Impact on Neighbouring Amenity

Local Plan Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents. This is supported by the Council's Residential Design Guide SPD which provides further information in this respect, though, for example, the provision of minimum separation distance standards and guidance on the 45° guideline for example, to protect against overlooking and potentially overbearing impacts.

Objections raise concerns that the proposed development will result in overdevelopment and loss of privacy. Concerns were also raised with regards to the proposal not meeting the required 22.0m separation distance.

The application site is located within a predominately residential area and therefore the proposed use is not considered to cause harm to nearby residential amenity.

The separation distances between the proposed dwelling and the existing properties are considered to be acceptable. The Council's Residential Design Guide SPD stipulates that the minimum separation distance required where properties share a front-to-front relationship across a highway is 15.0m, which is met in this instance. The proposed dwelling also shares a side to front relationship with an existing dwelling located to the west of the application site which is subject to a 12m separation distance. However, in this case Officers note that the proposed dwelling is set back in its plot and therefore this relationship does not require adherence with this standard to provide adequate outlook. The proposal accords with the separation distance between the rear of the proposed dwelling and the housing estate to the rear which meets the 22.0m standard.

Overall, Officers consider the proposal is acceptable with regard to its impact on existing residential amenity and would not result in any harmful impacts by reason of loss of light, loss of privacy or loss of outlook to existing neighbouring properties. The proposal accords with Policy BE3 and the Residential Design Guide SPD

Proposed Living Conditions for The Future Occupiers

Local Plan Policy BE3 states that development will not be permitted that does not provide acceptable standards of amenity for future users and occupiers of the development. This is supported by the Council's Residential Design Guide SPD which provides further information in this respect, though, for example, the provision of minimum separation distances and minimum standards for outdoor private amenity space.

The separation distances set out in the preceding paragraph demonstrate that the dwelling is very well spaced from its nearest neighbours, such that it would provide adequate levels of light, outlook, and privacy. It should also be noted all habitable rooms will benefit from an adequate outlook and adequate natural daylight. For the same reasons, Officers therefore consider the amenity afforded to its future occupiers would be acceptable insofar as privacy and outlook are concerned.

The dwelling proposed would provide three bedrooms. 3-bedroom houses are required to provide a minimum garden size of 50m² as set out in the Residential Design Guide SPD. The proposed site plan shows that the new dwelling would benefit from a garden size of 53m².

Overall, Officers are satisfied that the levels of amenity afforded for future occupiers are more than satisfactory having regard to the relevant policies and supplementary guidance and as such the development complies with Policy BE3 and the Residential Design Guide SPD.

Car Parking and Highway Safety

Policy TR1 of the Warwick District Local Plan requires that 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.

Objections have been received, with concerns regarding resident/pedestrian safety, the increase in vehicular traffic, along with further stress on the existing parking arrangements and the existing road being too narrow to accommodate an additional dwelling. Again, Officers note that the changes submitted in this proposal, have an acceptable impact on the previously agreed vehicular access.

The adopted Parking Standards SPD requires 3 bed dwellings to have 2 off-road parking spaces. The proposed site plan illustrates that these would be provided within the application site. In total, the parking proposed is in accordance with parking requirements set out in the SPD and is considered this is acceptable.

The Highways Authority have been consulted as part of the assessment of the application and raise no objection to the proposal, subject to a condition relating to the extension of the existing footway along Harbury Lane prior to the occupation of development. Therefore, the proposal is not considered to have an unacceptable impact on vehicle or pedestrian safety.

Officers note that other objection comments have been received regarding the lack of visitor parking provided. However, it should be noted that the Council's Parking Standards SPD only requires the provision of visitor parking for developments of 10 dwellings or more.

Overall, Officers consider that the access arrangements for both vehicles and pedestrians are satisfactory and would not compromise highway safety or be detrimental to the safety of motorists, pedestrians, cyclists, or any other road users. Moreover, in the absence of an objection from the Highway Authority, Officers are satisfied that the development accords with Policies TR1 and TR3.

Ecology

Policy NE2 of the Local Plan seeks to protect designated areas and species of national and local importance for biodiversity and geodiversity.

The County Ecologist has been consulted and raises no objection to the proposal. It has been concluded that no further survey work required at this time.

The Ecologist has also recommended that advisory notes related to nesting birds and hedgehogs are attached to the decision notice.

Biodiversity

Policy NE3 of the Local Plan states that new development will only be permitted where it protects, enhances and/or restores habitat biodiversity.

The County Ecologist has noted that the applicant has considered whether the proposal would result in a net loss in biodiversity. Officers consider it reasonable to attach a condition, requiring the provision of 2 suitable nesting boxes for swifts, along with the provision of hedgehog access features to be submitted and approved by the Local Planning Authority.

Trees

Policy NE4 of the Local Plan states that new development proposals should aim to either conserve, enhance or restore important landscape features in accordance with the latest local and national guidance.

The Council's Tree Officer has been consulted and raises no objection to the proposal.

Landscape

WCC Landscape have raised an objection to the proposal, stating that the retention of the small communal green space adjacent to Plot 2 on Field Close would allow the overall approved development to successfully comply with Local Plan Policy

BE1. However, it should be noted that the land is in private ownership, therefore there is no public right of access to it.

Landscape also raises concerns regarding the lack of convenient and safe access to the footpaths and green spaces linked with the residential development to the north and east of the site. However, Officers are mindful that such infrastructure works were approved under application W/17/1612 and therefore do not form part of the assessment for the erection of a single dwelling.

Waste

Waste Management have been consulted and have no objection to the proposed development. Adequate waste storage can be provided within the proposed boundaries of the proposed dwelling, which can be located to the rear of the property.

Land Contamination

A Preliminary Risk Assessment of the site was provided by the applicant. Environmental Health Officers have commented on the application and have requested a condition is imposed to ensure that the risks from contaminated land are adequately characterised and if necessary remediated.

OTHER MATTERS

Air quality

Warwick District Council has adopted an air quality and planning supplementary planning document (AQ SPD) (2019) to tackle the cumulative air quality impacts of new development in the district. The AQ SPD establishes the principle of Warwick District as an emission reduction area and requires developers to use reasonable endeavours to minimise emissions and, where necessary, offset the impact of development on the environment. The guidance sets out a range of locally specific measures to be used to minimise and/or offset the emissions from new development. The proposed development would be classified as a minor scheme under the AQ SPD and therefore Type 1 mitigation measures will be necessary. The provision of electric vehicle charging points could be secured by condition.

The development is therefore considered to be in accordance with Local Plan Policy NE5.

Climate Change

Local Plan Policy CC1 states that all development is required to be designed to be resilient to and adapt to future impacts of climate change through the inclusion of adaptation measures. Requirements 'a', 'b' and 'c' of the policy (layout, building orientation, construction techniques, materials, natural ventilation, green spaces, water efficiency) could be conditioned and attached the any granted approval. In regard to point 'd' of the policy regarding minimising flood risk, it is noted that the site is located within Flood Zone 1, with the lowest probability of flooding and that the development is not likely to cause increased risk of flooding.

Subject to conditions, the proposal is considered to be in accordance with Local Plan Policy CC1.

Water Conservation

A condition has been added to ensure compliance with Local Plan Policy FW3.

Other Matters

Objections raise concerns regarding the loss of the green space. Policy HS2 of the Warwick District Local Plan seeks to protect the multi-functional benefits of open spaces in the interests of health and wellbeing. Where loss of such open space would result, it imposes justification requirements or compensatory provisions. The policy and associated definitions are consistent with the approach set out in the National Planning Policy Framework.

The tests in the NPPF are primarily concerned with providing access to open spaces as an element of promoting healthy and safe communities. Whilst objectors state that this area is used communally, as the land is in private ownership, public accessibility is not secured, therefore as open space it therefore has limited direct health benefits. Given the scale of the site and moreover its private ownership, it is not considered appropriate to apply Policy HS2 in this case.

CONCLUSION/SUMMARY

In the opinion of the Local Planning Authority, the proposed dwelling is acceptable in principle and is of an acceptable standard of design which would not cause unacceptable harm to the surrounding streetscene. The proposal will not result in an unacceptable adverse impact on the amenity of neighbouring uses by reason of overbearing effect, loss of light or privacy. There is also an acceptable impact on the amenity of future occupiers. The proposal is therefore considered to comply with the aforementioned and is recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 10106.01, 10106.02, 23-01-201-P0, 23-01-202-P0, 23-01-203-P0, D47139/PMU/C and 23-01-111-P2 submitted on 16th February 2023 and 23-01-112-P3 submitted on 13th April 2023 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 No part of the development hereby permitted shall be commenced until a scheme for the provision of 2 suitable nesting boxes for swifts to be erected on buildings within the site and details for the provision of hedgehog access features within proposed site fencing has been

submitted to and approved in writing by the Local Planning Authority. The scheme to include details of box type, location of features on site plans and elevations, and timing of works. The platform(s)/box(es) and access features shall be installed prior to first occupation and thereafter maintained in perpetuity. **Reason:** In accordance with NPPF, ODPM Circular 2005/06

4 Notwithstanding details contained within the approved documents, prior to commencement of development (within its relevant phase), a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. 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 layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures.

c) Details of the building envelope (including U/R values and air tightness).

d) How the proposed materials respond in terms of embodied carbon.

For the avoidance of doubt, the scheme must 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/ building shall be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

REASON: To ensure the creation of well-designed and sustainable buildings and in accordance with Policy CC1 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

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 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.

- 7 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.
- 8 The development shall not be occupied until the existing footway along Harbury Lane has been extended to the application site access, in general accordance with drawing no. 18443-01 Rev. A, and constructed to the specification of the Highway Authority. **REASON:** In the interests of highway safety.
- 9 The development hereby permitted shall be carried out strictly in accordance with the mitigation proposals as set out in the 'Remediation Strategy: Report BRD3112-OR2-B produced by BRD Environmental Limited and dated August 2020'. 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 remediation strategy). This addendum to the remediation strategy statement must detail how this unsuspected contamination shall be deal with.

Upon completion of the measures detailed in the remediation strategy 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 remediation strategy. 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.

- 10 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.
