

Application No: [W 19 / 0498](#)

Town/Parish Council: Leamington Spa
Case Officer: Lucy Hammond

Registration Date: 11/04/19
Expiry Date: 06/06/19

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1 Farley Street, Leamington Spa, CV31 1HJ

Demolish 1A Farley Street (with the exception of the gables which are to be retained), erection of replacement two storey building and proposed conversion of 1 Farley Street to provide 2no. two bedroom dwellings FOR Dezinbuild Ltd

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

RECOMMENDATION

That planning permission be GRANTED subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought to demolish the majority of the existing building at No.1a Farley Street (retaining the gables) and erect a replacement two storey building which would provide a two bed dwelling. The application also proposes the conversion of the adjoining building, No.1 Farley Street, which is single storey, into a second two bed dwelling. No further extensions are proposed beyond the original footprints of the buildings.

It is important to note that the application, as submitted, is for the creation of two 2-bed market dwellings. The proposal is not for two HMO's as has been suggested by a number of local residents in the letters of objection which have been received through the course of the application. It has been suggested that the dwellings will be occupied by students. Whoever the dwellings are occupied by is not a material planning consideration, nor is it relevant to the assessment of this application which is for two dwellings which should be assessed accordingly against the relevant policies of the Development Plan.

THE SITE AND ITS LOCATION

The site comprises two existing buildings which sit close to the road frontage in Farley Street, which is in the Royal Leamington Spa Conservation Area. No.1 Farley Street is a single storey brick building which is parallel to the pavement edge, while No.1a is a two storey brick building, attached to the gable end of No.1, but the building's front elevation sits at an oblique angle, away from the road, presently leaving a small triangular area of space to the frontage.

Farley Street is predominantly residential in character and is a no-through road for vehicles to the north, providing pedestrian and cycle links only through to Willes Road and Leam Terrace which crosses east to west. Residential properties in Willes Road back on to the application site; in particular Nos. 38 and 36a share

back to back relationships with Nos. 1a and 1 respectively. No.38 Willes Road is a four storey single residential property while No.36a is a three storey block of flats.

The site is in Flood Zone 2 and in the Royal Leamington Spa Conservation Area. Nos. 38 and 40 Willes Road are Grade II listed building. No.14 Farley Street, opposite the site is also a Grade II listed building.

PLANNING HISTORY

W/83/1220 - Change of use from scout hut and storage to class x warehouse - Granted 30.01.1984

W/86/0957 - Continued use of former scout hut as a warehouse on a permanent basis - Granted 05.11.1986

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

WCC Highways: No objection subject to condition requiring all parts of the existing access not included in the permitted access to be closed up and the kerb reinstated prior to occupation of the dwellings. Advisory notes are also recommended.

Environmental Health: No objection subject to a condition requiring a construction management plan containing details in relation to noise, dust, smoke and light.

Lead Local Flood Authority: No objection subject to condition requiring detailed surface water drainage scheme.

WCC Ecology: No objection subject to advisory notes to be attached to any forthcoming permission.

WDC Building Control: Bedroom windows to both dwellings facing the street need to be opening and sized for means of escape.

Public Response:

A total of 36 letters of objection have been received from 16 individuals, raising the following concerns:

- The development will change the character of the area
- It will result in noise and disturbance
- There will be a loss of privacy
- There will be a loss of light
- The development will be overbearing
- There will be an impact on the setting of listed buildings
- There will be an impact on the conservation area
- It will be detrimental to highway safety
- It will lead to parking stress and exacerbate existing parking problems in the area
- There is insufficient amenity space for the proposed dwellings
- It will result in the loss of an employment use
- Concern at the proximity of the proposed courtyard to the rear of the two storey unit to the rear of the four storey dwelling in Willes Road
- There are inadequacies/inconsistencies in the parking survey

Officer note - there are references throughout some of the third party comments to the proposed dwellings being used as HMO's. The planning application, as submitted, proposes 2no. 2-bed dwellings which are not houses in multiple occupation. The planning application therefore must be considered accordingly, i.e. as two market dwellings, not as HMO's. References to the proposal being occupied by students are therefore not relevant because the end user (whether owner occupier or tenant) is not material to the planning considerations of an application for two 2-bed properties.

ASSESSMENT

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

- principle of development;
- impact on the character and appearance of the area;

- impact on heritage assets;
- impact on the living conditions of neighbouring dwellings;
- provision of appropriate living environment for future occupants of the proposed development;
- access and parking / highway safety;
- ecological impact;
- environmental health considerations; and
- drainage and flood risk.

Principle of development

The principle of development is twofold; firstly whether the loss of the existing employment use from the site is in accordance with Policy EC3 of the Local Plan and secondly, whether this is a suitable location for the creation of new residential uses in accordance with Policy H1.

Loss of the existing employment use

Policy EC3 of the Local Plan states that 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 policy requires any one of the above criteria to be satisfied, not *all* of the criteria to be satisfied. In this instance, the relevant criteria against which the proposal is being considered is bullet point (c); where it can be demonstrated that the site is not suitable for employment uses due to unacceptable and unavoidable impacts upon nearby residential uses.

The application site lies in Farley Street which is predominantly residential in character and nature. The last known planning use of the buildings was a B8 storage unit approved in the early 1980's although according to the supporting statement, in more recent years the buildings have been used for a combination of both B1 and B8 uses. No formal application would have been required for such a change of use because the Use Classes Order allows for permitted changes between the two, i.e. B8 to B1 and vice versa without the need for planning permission. For the purposes of establishing the principle of development therefore, the buildings are subject to an employment use (B-class use).

The supporting information submitted with the application sets out that no matter what use the building is put to, the two storey element of the building has to be re-built as evidenced by the accompanying structural report. On a site this small, the re-building cost for either a B1 or B8 use is considered to be unviable. That said, given its more recent use as a storage unit / lock-up, this is

considered the most feasible use since in the past 15 years it has not created any employment nor is it likely to unless there was investment to improve the quality of the storage or warehouse.

Together with the issue of the re-building costs should this continue in B8 use, it is considered the site would not be practicable for a storage unit to be used on a daily basis, as there would be difficulties with servicing the site by commercial vehicles, unloading and loading of goods due to the restrictions and physical constraints of the site.

Any increase in the intensity of B8 use at the site is likely to impact on both residential occupiers in the immediate vicinity of the site and also on those living nearby, who could be affected by business operations such as the frequency and timing of heavy goods vehicle movements.

For these same reasons, changing the use of the site to B2 would also result in likely adverse impacts on the residential amenity of those properties close by and without appropriate restrictions in place, such a use could result in activities which are noisy and which could result in undue disturbance and adverse impact on the residential amenity of occupiers in closest proximity to the site.

Overall, it is considered that EC3(c) is satisfied insofar as it has been demonstrated that the site is not suitable for employment uses due to unacceptable and unavoidable impacts upon nearby residential uses in a principally residential area where there is very little non-residential or other commercial/industrial activity.

Officers are therefore satisfied that the principle of development, in this respect, accords with Policy EC3 of the Local Plan.

Provision of new residential dwellings in this location

Policy H1 sets out where, in the District, new housing development will be permitted. Relevant to this particular application is bullet point (a) which stipulates "*within the Urban Areas, as identified within the policy and on the Policies Map*". The site, though just outside the Town Centre boundary, is within the Urban Area of Royal Leamington Spa and therefore an appropriate location for new housing development.

In this instance, the proposal involves the conversion of existing buildings, although part of the proposal necessitates the partial demolition and re-building of one of the buildings for structural reasons. There are additional benefits of converting existing buildings as opposed to building new buildings which are considered in the relevant sections below (e.g. heritage assets, street scene, visual impact...)

In terms of the provision of new dwellings in this location, officers are satisfied that the development accords with the requirements of Policy H1 and is acceptable in this regard.

Conclusions of the principle of development

Having regard to the provisions of both Policies EC3 and H1 of the Warwick District Local Plan 2011-2029, officers are satisfied that the principle of development, overall, is acceptable.

Impact on the character and appearance of the area

The single storey element of the proposals (No.1) are not proposed to change, aesthetically. All fenestration remains as per the original, with the only modification being the entrance door which would be a slightly different design. Much of the conversion works have already been undertaken to this part of the site so part of the development, in this regard, is retrospective. Nevertheless, there would be no discernible differences between the original and the proposed elevations for the principal elevation of No.1 as viewed from within the street scene. In this regard, there can be no material impacts to the visual amenities of the area, street scene or wider character given the lack of material differences between the existing and the proposed plans for No.1.

As far as No.1a is concerned, a structural engineer's report submitted with the application identifies the current condition of the building, the cracks and other damage to its walls, masonry and internal face. The report concludes that while the wall is not in danger of collapsing, repair to it would require 90% of it to be taken down as during the operation of cutting out bricks and mortar joints the adjacent bricks will fall out. It is therefore considered the wall should be taken down completely and re-built.

With that in mind, the proposal therefore involves the principal demolition of the two storey building, and its re-building on the same footprint. The key difference in the replacement building would be an increase in the eaves height of 500mm, increasing from 4.3m to 4.8m and an overall ridge height increase from 5.9m to 6.3m. The dual pitch of the roof would however be shallower than the original by reason of the overall ridge height and the fact the angle of the front wall has changed which results in an almost cat slide style element at the back of the building which would not be visible from the road frontage.

The front elevation, as mentioned above, has been brought in line with the pavement edge and thus in line with the single storey building so there would no longer be an angled frontage to the building, which arguably is at odds with the street scene at present. The front elevation of the two storey building would replace the garage doors at ground floor with simple fenestration, replicating the upper floor windows, and this would bring a more traditional and balanced appearance to the building's frontage.

By bringing the buildings back into an active use, together with the minor design changes proposed to 1a which are needed to facilitate the change of use, officers consider the overall appearance of both buildings would be improved and in turn this would enhance their contribution within the street scene in which they are read.

It is not considered the proposals would lead to any material visual harm to the street scene or the wider character of the area. Accordingly, the development is considered to accord with Policy BE1 of the Local Plan.

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 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." 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. 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.

The existing building contributes little towards the character and appearance of the Conservation Area and little is known about its origin, however historic maps of the area indicate that a structure on a similar footprint was present here in 1881-1890 with a neighbouring structure on a similar footprint to the single storey building present in 1913-1927. It is likely that the two storey building originally performed the role of a coach house to No 38 Willes Road, and the planning history shows that more recently it served as a scout hut then a warehouse, however the building has nonetheless changed substantially since its original construction and particularly during its latest function. From a conservation point of view, no objection is raised to the principle of the site's demolition and rebuild.

There were however concerns from a heritage point of view about the original plans submitted with the application. As well as bringing the front elevation of the two storey building in line with its adjoining single storey neighbour, the plans involved the creation of a double gabled appearance on the principal elevation. This design was considered at odds with the prevailing urban character of Farley St; there is no precedent of dual protruding shallow pitched gables on the street scene and this did not reflect the established character. Moreover, the construction of two gables on the front elevation distorted the roof profile of the existing building and overall, the original plans neither preserved nor enhanced the character and appearance of the Conservation Area, rendering the proposal contrary to both Policies HE1 and HE2 of the Local Plan.

Amended plans have been submitted during the course of the application which were intended to respond to the concerns of the conservation officer. The revised proposal has removed the double gabled appearance of the two storey building, which is altogether now more simple in its overall appearance. The roof profile is no longer distorted and the principal elevation is typically flat fronted and in line

with the adjoining neighbouring building, which in turn better reflects the characteristics of surrounding patterns of development found in Farley Street and the immediate vicinity.

Subject to conditions requiring samples of materials to be used as well as large scale details specifically for the windows, there are no conservation objections to the revised plans and accordingly, officers are satisfied that the proposals, which would bring back into use these two buildings, would preserve and enhance the character and appearance of the Royal Leamington Spa Conservation Area.

It is not considered that the proposals to convert and re-build the buildings to provide two dwellings would adversely impact on the setting of the nearby listed buildings.

In making this assessment, regard has been had to the weight that should be given to the desirability of preserving the special interest and setting of the heritage assets and the proposal is considered to accord with Policies HE1 and HE2 of the Local Plan.

Impact on the living conditions of neighbouring dwellings

The principal factor to note in considering this application is that the buildings subject to this application already exist at the rear of Nos. 36a and 38 Willes Road, so there can be no greater physical impacts by reason of overbearing or loss of light than has been the case to date through the historic presence of these buildings on the site.

The key consideration is therefore how their material change of use to dwellings would further impact on the residential amenity of these existing properties; through, for example, the introduction of habitable room windows, outdoor amenity spaces and in the case of No.1a, the proposed increase in height of 400mm.

The Council's adopted Residential Design Guide (RDG) does not set out any specific minimum distance separation guidelines for the particular relationships found in this case; i.e. four storey to two storey or a three storey flatted development to a single storey dwelling. That said, taking a 'worse case' scenario based on the distances which are set out in the RDG, it is acknowledged that the distance separation measured from 'rear to rear' between the properties in Willes Road and the proposed dwellings to be converted from the subject buildings in Farley Street do not meet the Councils guidelines.

Nevertheless, having regard to the fact that these buildings already exist and as such there can be no greater physical impact arising from the proposal by reason of overbearing or loss of light, consideration has been given to the only remaining material impact that might likely arise to neighbouring amenity; that is a loss of privacy/overlooking. The rear of No.1 (single storey), contains no windows or rooflights and would have only one door providing a means of exit to the outdoor space/bin provision. There would be no overlooking or loss of privacy to the flats at No.36a as a result.

The rear of No.1a (two storey) contains no rear facing windows in the wall but does propose two rooflights in the rear facing roof slope. These would serve a bathroom and the stairwell and it is considered appropriate to condition that

these are obscure glazed to ensure there can be no overlooking or loss of privacy. It is considered this is more for the benefit of the future occupiers of the new dwelling given the proximity of a four storey dwelling to the rear whose rear facing windows could potentially look down towards/inwards the proposed rooflights.

The proposed increase in the height of No.1a by 400mm is considered minimal and given the existing situation and the relationship between the two properties (No.1a and No.40), balanced with the fact that although the height will minimally increase, the pitch of the roof will decrease, officers do not consider that this would result in any additional or demonstrable harm to the residential amenity of the neighbouring property which backs onto the application site.

The original proposal for No.1a included the replacement of an existing single storey rear extension which raised concerns about the proposed amenity for future occupiers of the dwelling by reason of overlooking through the proposed sky lantern from No.38 Willes Road. This has since been removed from the plans and replaced with an outdoor courtyard style amenity space for the proposed dwelling. Concerns have been expressed by neighbours who live in the nearest properties about the proximity of this outdoor space to existing rear gardens of the properties in Willes Road. The same could be said for the proposed outdoor space at No.1 and its proximity to the shared garden for the flats at No.36a.

Officers acknowledge these concerns, but at the same time, have had regard to the fact that these are town centre properties. It is not unusual, in such circumstances, for properties and their rear gardens to be in close proximity to one another and there must be a reasonable expectation for some everyday noise associated with households living in such close proximity. It is acknowledged that particular concern in respect of noise and disturbance has been expressed due to the suggestion that these properties will be HMO's and occupied by students, but for the reasons already set out in earlier sections of this report, this cannot influence the decision making of this application. Two bed properties are not HMO's by definition, and whoever they are ultimately occupied by is not material to the planning considerations of the proposal. Having regard therefore to the historic presence of these buildings on site and the fact they would not result in any additional impacts on neighbouring amenity by reason of overbearing or loss of light, officers have considered the material change of use proposed and the resulting impact this may cause to the amenity of the nearest neighbouring properties by reason of overlooking and loss of privacy. However due to the layout and orientation of the proposed dwellings, the lack of any windows on the rear elevations, with the exception of two rooflights which can be obscured by way of a condition imposed on the permission, and the small outdoor space proposed for each dwelling which is no different in principle, to a number of other private gardens which already exist in close proximity to other properties which is characteristic of town centre living, officers are satisfied that the development is acceptable in accordance with Policy BE3 of the Local Plan.

Provision of appropriate living environment for future occupants of the proposed development

The proposed dwellings focus all the windows serving habitable rooms onto the roadside elevation thus facing away from the rear where there might otherwise be the potential for overlooking and conflict with the properties in Willes Road

which are positioned to the rear. Each of the bedrooms have appropriate outlook and the only rooflights, which would need to be obscured by condition, serve non-habitable rooms.

The proposed courtyard gardens for each of the dwellings fall short of the minimum garden sizes for two bed dwellings set out in the RDG. They do however provide space for bin storage and cycle storage, which is shown on the plans. While the proposed development would not satisfy the space required for private amenity space in the RDG, in the overall planning balance, due to the town centre location, the provision of some outdoor space for each dwelling, the availability of parks and gardens in the town centre within close proximity of the application site and the retention and enhancement of a non-designated heritage asset, it is considered to justify and outweigh the lack of private on-site amenity space in line with adopted standards.

Furthermore, consideration has been given to the fact that this site involves the conversion of two existing buildings within a site that has an established curtilage and no opportunity to further extend this due to the physical constraints and land ownership issues adjoining the red line site area. Accordingly, officers have had regard to the RDG which sets minimum amenity space standards within the context of ensuring that inefficient use of land is avoided. Since that is clearly not the case in this instance, this is also a material consideration in the overall planning balance considered above.

Accordingly officers are satisfied that the development is acceptable in this respect and accords with Policy BE3 of the Local Plan. It is considered appropriate however to remove permitted development rights from the new dwellings to safeguard not only the amenity of the existing properties in Willes Road, but also the amenity of the proposed dwellings which already have minimal outdoor amenity space and as such further development should be controlled.

Access and parking / Highway safety

Two parking surveys have been undertaken in respect of this development. The first one was not carried out during University term time, and as such did not accord with the Council's adopted Parking Standards SPD which, at Appendix A, sets out very clear methodology as to how the Local Planning Authority expects such parking surveys to be carried out.

Accordingly, the second parking survey was undertaken, during University term time and overall, in general terms, it was carried out in accordance with the methodology stipulated in Appendix A of the Parking Standards SPD. The results of the later parking survey conclude that there is on-street parking capacity which occupiers of the proposed two dwellings would be able to utilise.

The County Highways Authority has been consulted repeatedly throughout the course of the application and overall, has raised no objection to the proposed development. The Highways Authority further notes the existing dropped kerb outside what is presently the existing garage and should permission be granted for the development has recommended a condition requiring this to be removed and the kerb reinstated in accordance with the standards specification of the Highways Authority.

The number of concerns expressed by local residents in respect of parking are acknowledged. However, officers are satisfied that the second parking survey complies with the Parking Standards methodology and have formally re-consulted with the Highways Authority again, who has reviewed the latest Parking Survey. With a final response from the Highways Authority of 'No Objection' subject to conditions, there are no material reasons on which to base a recommendation of refusal on highway safety grounds.

Overall, officers are therefore satisfied that the development would not be detrimental to highway safety and as such the development accords with Policies TR1 and TR3 of the Local Plan.

Ecological impact

A bat survey was undertaken of both buildings which concluded there was no evidence of any bats or bat activity. The County Ecologist has confirmed the methodology in the survey is acceptable, as were the findings, and recommended appropriate advisory notes to be attached to any forthcoming permission on the development. Officers are therefore satisfied that the development accords with Policy NE2 of the Local Plan.

Environmental health considerations

The Environmental Health Officer has considered the development in relation to noise, land contamination and air quality, and raised no objection subject to the imposition of a condition to manage the impacts of construction and demolition works on nearby receptors. Subject to the imposition of a condition requiring such a Construction Method Statement therefore, officers consider the development is acceptable in this regard and accords with Policies BE3 and NE5 of the Local Plan.

Drainage and flood risk

The site is in Flood Zone 1, which is in the lowest possible risk area of flooding. Some supporting information was submitted with the application and the Lead Local Flood Authority has considered the proposal, raising no objection to the development, subject to a recommended condition requiring the submission of a detailed surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. Subject to the imposition of a condition requiring such a drainage scheme therefore, officers consider the development is acceptable in this regard and accords with Policy FW2 of the Local Plan.

SUMMARY / CONCLUSION

The principle of development, in terms of both the loss of the employment use and the provision of new residential development in this location, is considered acceptable in accordance with both Policies EC3 and H1 of the Warwick District Local Plan 2011-2029. The revised plans which follow previous advice from the conservation officer would not result in any visual harm to the character of the area or the street scene and it is considered that the development would preserve and enhance the character and appearance of the Royal Leamington

Spa Conservation Area. There would be no impact on the setting of the nearest listed buildings.

Having regard to the fact that the buildings already exist on site, there would be no additional physical impacts on the amenity of neighbouring properties by reason of loss of light or overbearing impacts. Through the buildings' proposed change of use to dwellings, the minimal increase in height and the introduction of some new fenestration, officers do not consider there would be any material harm by reason of overlooking or loss of privacy that could not be mitigated by a condition requiring the two rooflight windows in No.1a to be obscure glazed since they are only intended to serve non-habitable rooms in any event.

Whilst the proposed gardens do not accord with the standards set out in the Residential Design Guide, officers are satisfied that the development is acceptable in the overall planning balance, due to the town centre location, the provision of some outdoor space for each dwelling, the availability of parks and gardens in the town centre within close proximity of the application site and the retention and enhancement of a non-designated heritage asset.

The updated Parking Survey accords with the Parking Standards SPD and has resulted in no objection being raised by the County Highways Authority. Officers are therefore satisfied the development would not be detrimental to highway safety and there are no environmental health or drainage/flooding concerns related to the development subject to recommended conditions to be imposed to any forthcoming permission.

For these reasons it is recommended that planning permission be approved subject to the conditions set out below.

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 1005-01 Rev.A and specification contained therein, submitted on 25 March 2019, approved drawings 1005-02 Rev.A and 1005-03 Rev.A and specification contained therein, submitted on 24 June 2019 and approved drawing 1005-04 and specification contained therein, submitted on 25 June 2019. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No development and subsequent use of the development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in

consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the existing connection into the STW combined sewer system is in sufficient condition to continue to achieve a gravity connection to this point.
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Provide and implement a maintenance plan to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

REASON: To prevent the increased risk of flooding; to improve and protect water quality; and to ensure the future maintenance of the sustainable drainage structures.

- 4 No part of the development hereby permitted shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for and include the following:

Noise

1. Work which is likely to give rise to noise off-site shall be restricted to the following hours: -
 - Mon-Fri 8 am - 5pm,
 - Sat 8am -1pm,
 - No working Sundays or Bank Holidays.
2. Delivery vehicles are not allowed to arrive on site:-
 - Mon – Fri before 8am or after 4.30 pm
 - Sat before 8am or after 1 pm
 - No deliveries on Sundays or Bank Holidays.
3. Delivery vehicles are not permitted to wait outside the construction site before the site is open for working.
4. Best practicable means" shall be employed at all times to control noise. The Contractor shall employ the best practicable means to reduce to a minimum the noise produced by his operations and shall comply with the general recommendations in BS 5228: 1984 'Noise Control on Construction and Open Sites'.

Without prejudice to the generality of the Contractor's obligations imposed by the above statement, the following shall apply:-

5. All vehicles, mechanical plant and machinery used for the purpose of the works associated with the Contract shall be fitted with proper and effective silencers and shall be maintained in good and efficient working order.
6. All compressors shall be "noise reduced" models fitted with properly lined and sealed acoustic covers which shall be kept closed whenever the machines are in use and all ancillary

pneumatic percussion tools shall be fitted with mufflers or silencers of the type recommended by the manufacturers.

7. Whenever possible only electrically-powered plant and equipment shall be used.
8. Acoustic screens shall be used to protect any noise sensitive development where deemed necessary by the Head of Health and Community Protection for Warwick District Council or his representative.
9. All plant and machinery in intermittent use shall be shut down in the intervening periods between work.

Dust

10. Unloading shall only take place within the site itself.
11. Regular sweeping of access roads to the site must be carried out where mud is likely to affect residents and/or highway safety. In dry conditions damping down of road surfaces should be carried out to control dust. a vehicle wheel wash will be provided to minimize carry-over to the highway.
12. On-site dust shall be controlled by use of "best practicable means" to prevent dust arising from road surfaces, wind whipping of stock piles, handling of dusty materials, crushing, compacting and cutting and grinding operations.

Smoke

13. There shall be no burning on site

Light

14. External work lighting, flood lighting, security lights must not cause light nuisance to neighbouring occupiers. Particular attention must be paid to the siting and orientation of lights to avoid glare.

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, TR3 and NE5 of the Warwick District Local Plan 2011-2029.

- 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 No development shall be carried out above slab level unless and until large scale details of doors and windows (including a section showing

the window reveal, heads and cill details) at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

- 7 The development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access has been closed and the kerb has been reinstated in accordance with the standard specification of the Highway Authority. **REASON:** In the interest of highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

 - 8 Prior to the occupation of the development hereby permitted, the rooflight windows in the north east facing rear elevation of the two storey building hereby permitted shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.

 - 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any dwellinghouse hereby permitted. **REASON:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
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