

Planning Committee: 19 August 2014

Item Number: 9

Application No: W 14 / 0905

Town/Parish Council: Leamington Spa
Case Officer: Emma Spandley

Registration Date: 10/06/14
Expiry Date: 09/09/14

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Land at Tachbrook Road, Leamington Spa, CV31 3DY

Demolition of existing buildings and erection of 5, 4 & 3 storey apartment block to provide 76 apartments to include 1 & 2 bedroom apartments; the erection of 5 single storey dwellings with associated landscaping and parking FOR Willmott Dixon Housing Ltd

This application is being present to Committee as it is a Warwick District Council application.

RECOMMENDATION

Planning Committee are recommended to grant planning permission subject to the conditions listed

DETAILS OF THE DEVELOPMENT

The application proposes to demolish the existing Featherstone Court building, the Sun Public house and houses no.5, 9, 11, 13 & 15 Kingsway. To be replaced with a 76no active elderly apartments of 1 and 2 bedrooms and 5 single storey dwellings. The 76no apartments will be arranged over 3 blocks.

Block 1, will be five storey's high and will be located on the corner of Tachbrook Road and Kingsway. The block will step down along Kingsway to four storey's and will be set further into the site as it travels along Tachbrook Road. This too will step down to three storey's. Block 2 & 3 will front onto Kingsway, be set back from Block 1, and will be 4 storey's high before stepping down to 3 storey's adjacent to No,17 Kingsway.

The main vehicle access will be from Tachbrook Road.

THE SITE AND ITS LOCATION

The application site is located south of Leamington Town Centre at the Junction of Tachbrook Road and Kingsway. The site comprises the Sun Public House, Fetherstone Court and Houses 5 - 15 (odd) Kingsway. To the north of the site is bounded by Kingsway. Further north is Maxstoke Gardens a 4 storey residential block. To the east the site is bounded by Tachbrook Road a primary Vehicle and pedestrian route into Leamington Spa Town Centre, with existing 2 storey

dwelling opposite. To the south the site is bounded by Tachbrook Court a 3 storey residential block and the rear private gardens of properties located within Nevill Close. To the west the site is bounded by the rear gardens to existing 2 storey properties to Nevill Close and Kingsway.

The site lies just outside of the Leamington Spa Conservation Area.

PLANNING HISTORY

There are many applications relating to the existing buildings on the site, however, none are relevant to the current application.

RELEVANT POLICIES

- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H5 - Specialist Housing for Older People (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE4 - Landscape (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Affordable Housing (Supplementary Planning Document - January 2008)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council - No objection and the Town Council welcomes the proposal as a positive improvement to the area.

Environment Agency - No objections

Ecology (WCC) - No objection subject to conditions

Housing Strategy - No objections

Waste Management - Commented

Public Response - one letter of support has been received supporting the application and making comments with regards encouraging activities and exercise for the active elderly and including renewables.

One letter of objection has been received with regards to the height of the 4 and 5 storey blocks backing onto Nevill Close raising concerns of loss of privacy, blocking natural daylight. Concerns expressed surrounding demolition and potential damage to properties.

ASSESSMENT

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

- principle of development;
- the impact on the living conditions of nearby dwellings;
- the impact on the character and appearance of the area;
- car parking and highway safety;
- affordable housing and Section 106 contributions;
- impact on trees; and
- ecological impact.

Principle of development

Policy UAP1 of the Warwick District Local Plan 1996 - 2011 states residential development will be permitted on previously developed land and buildings within the confines of the urban areas. Policy DS2 of the Draft Local Plan 2011 - 2029 states the district will provide for and ensure new housing delivers the quality and mix of homes needed in the District which includes affordable homes whilst Policy DS10 states housing will be allocated in urban brownfield sites. Policy H1 of the Draft Local Plan 2011 - 2029 states housing will be directed within the Urban Areas.

The application site comprises previously developed land within the urban area. The proposals are in accordance with Policy UAP1 of the Warwick District Local Plan 1996 - 2011 and Policy DS2, DS10 & H1 of the Draft Local Plan 2011-2029.

Impact on the living conditions of nearby dwellings

Policy DP2 of the Warwick District Local Plan 1996 - 2011 and Policy BE3 of the Draft Local Plan 2011 - 2029 states development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. The Residential Design Guide 2008 provides a framework for the provision of residential accommodation. In addition to the Residential Design Guide 2008 the Council have a Distance Separation Supplementary Planning Guidance (SPG). The SPG does not contain any guidance for 5 storey buildings, however, the SPG does state that a separation distance of 32 metres is required between the fronts of properties that have habitable rooms. The element of block one which will be 5 storeys will be located at the corner of Tachbrook Road and Kingsway. The existing site is built up with a 2 storey public house at top. The 5 storey block will take advantage of the existing site and provide a lower ground floor to address the pavement levels. This results in a 5 storey corner unit providing a focal point at this important junction and main route along Tachbrook Road.

The proposal will be located 20 metres from the properties located opposite on Tachbrook Road. These properties do not directly face onto the proposal and are set at an angle to the 5 storey element, Tachbrook Road is a wide main route and there is a substantial trees directly on the corner which will provide a buffer between the proposal and existing dwellings.

The proposed balcony to the front of block 1 shown at 1st floor level and to the rear labelled as a roof terrace will be of obscured glazed. Officers are concerned about the likely overlooking from the balconies labelled as 2nd and 3rd floor and discussions are taking place with the applicant to seek removal of these to prevent any impact on overlooking or loss of privacy to the properties located in Tachbrook Road.

The bungalows will be located to the rear boundaries with the properties located in Nevill Close, the distance separation will be 22 metres and therefore accords with our distance separation guidance.

Block 3, which will be 3 storey's and lies adjacent to No.17 Kingsway is located 36 metres at an angle to the nearest property in Nevill Close which also exceeds the Separation Distance Guidance.

On balance it is considered that due to the existing site characteristics the 5 storey element will not have an adverse impact on the occupiers of the properties located in Tachbrook Road to warrant refusal of the scheme due to the angle of the properties and tree screening. The proposal is considered acceptable and in accordance with the aforementioned policies.

Impact on the character and appearance of the area

The site is located just outside the Conservation Area. On this side of the road, the area is characterised by 1960 / 70's blocks of flats. The Design and Access Statement, states:-

"Block one has been designed to have a 'head' and a 'tail'. The head focuses the building towards the corner of Kingsway and Tachbrook Road with double height glazing to the ground floor residents lounge use and residential apartments above. Different apartment types have been utilised to give the facades a layered look allowing depth and shadow to create an interesting street scene to Tachbrook Road and Kingsway. This also helps to break the elevations down into smaller massing elements in order to create domestic scaled building. Each of the elements are treated with different materials which creates a rhythm to the street scenes. The layered effect is achieved using a variety of methods from stepping units back in places and infill balconies."

The design is considered appropriate for this location and whilst the building will be further forward on the plot and higher than the existing building, taking into account the existing site levels and buildings the increase in height will not look out of place within this location especially when surrounded by three and four storey blocks of flats.

Car parking and highway safety

The vehicle parking standards for Active Elderly are one space per two bedrooms for the apartments. With regards to the bungalows, they would require 2 car parking spaces each. The total amount of car parking required is 69 Car Parking Spaces. The proposed development will provide 64 car parking spaces, a deficit

of 5 car parking spaces. The applicant has submitted detailed information which demonstrates the level of car ownership nationwide in similar schemes, to justify the shortfall in parking.

At the time of writing the report Highways had not yet commented on the amended information received. However, it is considered that the information submitted regarding car ownership levels; the location of the proposal to the town centre, bus services, train station and local shopping facilities the shortfall of 5 spaces is acceptable in this location.

Affordable housing

Policy SC11 of the Warwick District Local Plan 1996 - 2011 and the associated Affordable Housing Supplementary Planning Document require 40% affordable housing as part of the proposed development. The Council's Housing Strategy 2014-17 states 'looking for opportunities to create more appropriate housing with a higher degree of energy efficiency by the modernisation, remodelling or regeneration of existing housing schemes objectives.

Policy H2 of the Draft Local Plan 2011 - 2029 states residential development within urban areas will not be permitted unless provision is made for a minimum of 40% affordable housing to meet local needs.

The current proposal will involve the demolition of council-owned sheltered housing scheme which is no longer fit for purpose and the regeneration of the site and adjoining land and is therefore consistent with and will help the Council to achieve our strategic housing objectives.

The Coventry & Warwickshire Joint Strategic Housing Market Assessment (SHMA) published in 2013 demonstrates a need for 268 new affordable homes per year in the Warwick district across a range of household types and sizes. A significant part of this need is driven by an increasing proportion of older households in the population both in this district and across the Housing Market Area generally. The projections show that the population aged 55-64 is expected to grow by 14.3% from 2011 to 2031 in Warwick district while the 65-74 population will grow by 36.6%. Both of these figures are above the average for the Housing Market Area. There is currently an Affordable Housing extra-care scheme under construction on Queensway and there is planning permission for a "care village" on land further south with a proportion of affordable units. Both of these schemes will cater for more-frail older people with care needs. However, while we have sought a small proportion of bungalows on each of the urban extension sites and some of the small sites currently under construction, there is no major affordable housing scheme for the active elderly currently planned for South Leamington. This proposal can therefore be seen to contribute towards meeting the needs of the district as identified by the SHMA and also meets a client-group need for which provision has not yet been identified.

The SHMA shows a need for all sizes and types of properties from one-bed to four-bed for general needs. Clearly for older people smaller unit sizes (i.e. one

and two-bedrooms) are the predominant requirement and this scheme provides 33no. one-bed, 46no. two-bed and 2no. three-bed properties, including five bungalows.

The Affordable Housing Supplementary Planning Document (WDC, January 2008) (SPD) gives guidance and information on the provision and standards required for affordable housing within the district and the application will need to comply with those requirements insofar as they relate to housing for the active elderly (unless superseded by the governments review of housing standards) including 30% Lifetime Homes where practical and appropriate.

The current proposal exceeds the 40% threshold and is in accordance with Policy SC11 of the Warwick District Local Plan 1996 - 2011.

Impact on trees

There are a number of trees around the perimeter of the site especially located along Kingsway and the corner of Tachbrook Road. These trees will be retained. There are also a number trees along the shared boundary with Tachbrook Court also to be retained. As part of the application one tree located along Tachbrook Road will be removed for arboricultural reasons, and a number of trees removed within the site and along the shared boundary with Nevill Close to facilitate the development. A comprehensive landscape has been submitted however, Ecology has raised concerns with regards to the use of non-native species of trees proposed. Ecology have recommended that mainly native species are used for planting, ideally of local provenance for replacement planting within the scheme. This can be controlled by a suitably worded condition.

Ecological impact

Bat surveys have been submitted along with activity surveys. The presence of crevice-dwelling bat was confirmed, however it appears that the bats can be accommodated within the proposed development site by sufficient mitigation measures. Ecology raise no objections subject to further bat survey works. This can be controlled by a suitable worded condition.

Other matters

The proposal has been designed to achieve Code for Sustainable Homes 2009 Level 4 and will include a biomass boiler located within block 1 that will provide hot water and heating to blocks 1, 2 and 3. The bungalows will not be served by the biomass boiler however, will feature solar thermal panels to the south facing roof face. Therefore the proposal is in accordance with Policy DP13 of the Warwick District Local Plan 1996 - 2011.

SUMMARY/CONCLUSION

The proposals would not have a detrimental impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. The design of the proposal sits comfortably within the Conservation Area and will

further enhanced. Furthermore, the proposals are considered to be acceptable in terms of car parking, highway safety, impact on trees, ecological impact and affordable housing. Therefore it is recommended that planning permission is granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s). **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON :** To ensure an appropriate standard of design and appearance adjacent to the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 4 No development shall commence until details of surface and foul water drainage (to include sustainable drainage techniques and drainage calculations) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with such approved details. **REASON:** To ensure that adequate drainage facilities are available and to minimise flood risk, in accordance with the National Planning Policy Framework and Policy DP11 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.

- 6 No part of the development hereby permitted shall be commenced until a scheme for the provision of suitable nesting boxes to be erected on trees/buildings within the site has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the platform(s)/box(es) shall be installed and maintained in perpetuity. **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 DAP3 of the Warwick District Local Plan 1996-2011.
- 7 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work unless otherwise agreed in writing by the local planning authority. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 8 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 without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, 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 with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. 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 trees and shrubs 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 DP1 and DP3 of the Warwick District Local Plan 1996-2011.

- 9 None of the dwellings hereby permitted shall be occupied unless and until the refuse and recycling store has been provided in strict accordance with the approved plans. The refuse and recycling store shall be retained at all times thereafter. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 10 The hard surfaces forming the car parking spaces hereby permitted shall be constructed of porous materials. **REASON:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan
- 11 Prior to the occupation of the development hereby permitted, balcony to the upper ground floor on block 1 and the balcony around the roof terrace shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view. **REASON** : To protect the privacy of users and occupiers of nearby properties and the privacy of future users and occupiers of the development hereby permitted and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.
- 12 The development shall be carried out only in full accordance with sample details of all facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **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 DP1 of the Warwick District Local Plan 1996-2011.
- 13 The residential accommodation hereby permitted shall only be occupied by: (1) persons aged 55 years of age and older; (2) persons living as part of a single household with such a person or persons; or (3) persons who were living as part of a single household with such a person or persons who have since died. **REASON:** Insufficient off-street car parking provision is made to meet the local planning authority's normal parking requirements and permission has only been forthcoming in this instance on the basis that the accommodation will be occupied by elderly persons in need of care who are less likely to possess a motor car in accordance with Policy DP8 of the Warwick District Local Plan 1996-2011.
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STREET ELEVATION TO KINGSWAY. 1:2008A1



STREET ELEVATION TO TACHBROOK ROAD. 1:2008A1