

Planning Committee: 13 August 2019

Item Number: 13

Application No: [W 19 / 1007](#)

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

Registration Date: 06/06/19

Expiry Date: 01/08/19

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Land off Leam Street, Leamington Spa, CV31 1DY

Proposed construction of two semi-detached cottages. FOR Ballinger Properties

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the erection of a pair of two storey semi-detached dwellings. The properties would be located within a parcel of land to the south west of Leam Street and alongside an existing pair of semi-detached dwellings.

Off-street parking would be provided within the site boundaries and each dwelling would have access to its own private amenity area.

This application seeks to overcome the reasons for refusal identified in previous scheme W/18/1963.

THE SITE AND ITS LOCATION

The application site lies at the end of a predominantly terraced street (Leam Street) which has had a number of infill properties constructed. The application site itself is currently in three parts:

1. A former area of private amenity space previously associated with flats called Albert Court at 172 Leam Terrace, which has now been fenced off and forms part of the application site.
2. A communal parking area which at this time is unmarked and associated with 27, 28, 29, and 32 Leam Street.
3. The former public house garden which now appears to have nil use. This area is unmanaged and bordered by brick walls and boundary treatment.

There are four properties currently directly served off the communal parking area. The site is to the side of a pair of semi detached properties 27 and 29 Leam Street which are of more modern construction than other properties on the street. Number 32 lies to the rear of the proposed parking area and is a

detached property which has two storeys but with dormers for some of the first floor to lower the eaves. 28 Leam Street to the north of the parking area is a modern two storey house with more simple architectural features.

The area is dominated by Victorian terraces with many retaining their original features including bay windows but interspersed with other historic buildings and modern infills. There are rear service alleys for bins and servicing one of which runs between 25 and 27 Leam Street.

Some of the large properties on Leam Terrace (to the east) have been converted into flats.

PLANNING HISTORY

In 2012 a planning application was submitted for a proposed change of use from Public House to residential and the demolition of two outbuildings and conversion of building to create three new dwelling units. Erection of two further dwelling units at rear of site (Ref. W/12/1530). This application was subsequently withdrawn.

In 2013 planning permission was refused but subsequently granted on appeal for the conversion of the ground floor of the Public House to a dwelling (Ref. W/13/0337).

In 2014 planning permission was refused and subsequently dismissed at appeal for the conversion of the rear wing of the former Public House into a dwelling and the erection of a pair of semi-detached dwellings on the former Public House garden (Ref. W/14/0728). The Inspector dismissed the appeal by reason of the unacceptable level of harm which would be caused to the occupants of 29 Leam Street as a result of the proposed access arrangements. Furthermore, the Inspector also concluded that the proposal would provide inadequate living conditions for the future occupiers of the proposed dwellings by virtue of a lack of outlook and oppressive internal environment.

In February 2018, an application for 2 x two bedroom cottages was received and considered under planning permission reference W/18/0389. Following detailed consideration of the issues on 9 May 2018, the application was refused for five reasons: 1. detrimental impact on neighbouring residential amenity; 2. inadequate living conditions for the future occupiers of the proposed dwellings; 3. harmful to the character of the area and Conservation Area; 4. lack of provision of contribution towards the improvement of local open spaces; 5. lack of information to demonstrate that the proposal would be resilient to surface water, fluvial and pluvial flooding.

In October 2018, a planning application for the erection of 2no. dwellings with associated works and car parking was received and assessed under reference W/18/1963. Following detailed consideration of the issues on 29th November 2018, the application was refused for three reasons: 1. lack of information to demonstrate that the proposal would be resilient to surface water, fluvial and pluvial flooding; 2. contrived, poor design; 3. loss of amenity to neighbouring properties.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (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)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- Guidance Documents
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Open Space (Supplementary Planning Document - June 2009)
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection, the proposal represents unsatisfactory infill development which has little regard to nearby design and is contrary to Local Plan policy H1 and BE1. The amenity enjoyed by residents of Albert Court has already been adversely affected by the setting aside of land for the provision of parking for the proposed development and is contrary to Local Plan policy BE3. The Town Council assumes that the distance separation guidance is contravened. The applicant's Flood Risk Assessment fails to acknowledge that the site has been significantly affected by flooding in the past.

Councillor Mangat: Request that the application is called before the Planning Committee if Officers are minded to grant.

Waste Management: No objection.

WCC Landscape: No objection.

WCC Ecology: No objection, subject to conditions and notes.

Environmental Protection: No objection, subject to conditions.

WCC LLFA: No objection, subject to conditions.

WCC Highways: No objection, subject to condition.

Environment Agency: No objection, subject to condition.

Tree Officer: No objection.

Public Responses: 27 Objections:

- overcrowding and overdevelopment of the site;
- poor quality design which is not inkeeping with the existing properties in terms of height, design, materials, scale, form, massing and number of bedrooms;
- detrimental impact on the Conservation Area;
- loss of public and private amenity areas to existing properties;
- impact on neighbouring residential amenity (loss of privacy, loss of light, noise and disturbance of construction works, inadequate distance separation, loss of amenity areas);
- impact on flooding;
- impact on existing parking stress and congestion;
- inadequate parking provision and no turning area provided;
- lack of electric vehicle charging points;
- access for emergency and refuse vehicles compromised;
- no cycle storage provided;
- impact on existing pollution levels;
- not beneficial to the community;
- sale of land which was amenity area serving Albert Court contravened legal requirements for lease owners, now proposed for parking provision;
- loss of open space with no public benefits;
- TPOs have been ignored;
- concern that fence is to be erected which would block access to existing parking;
- impact on wildlife;
- change of use required for amenity area serving Albert Court;
- inadequate waste storage arrangements;
- no provision for green infrastructure, energy saving or sustainability;
- land levels have been raised in the pub garden which were not approved by WDC.

ASSESSMENT

Principle of development

Local Plan policy H1 states that new housing will be permitted in the urban areas. The application site is identified as being within an urban area on the proposals maps and therefore the principle of housing on this site is considered to be acceptable.

The Town Council have commented that the application would be contrary to Local Plan policy H1 in that it would not harmonise well with the established character of the area. However, Local Plan policy H1 refers to the development of garden land harmonising well with its surroundings. Most of the site does not represent garden land, and has not been so for a substantial period of time, being an informal parking area and previous outdoor space for a former public

house. It does not represent public open space or an amenity area which some members of the public refer to.

Part of the site was formally a garden area serving Albert Court (fronting onto Leam Terrace). This has been sold to the applicant and has been formally sectioned off, and now benefits from an area of hardstanding. Officers have checked the planning permission for the construction of the flats and there is no planning condition which restricts the use of this land to amenity space for the occupiers of Albert Court. Therefore, in planning terms, the separation of this land from Albert Court is lawful. It is recognised that members of the public have presented a legal agreement which indicates that the occupiers of the flats should have access to the private amenity area which has been bought and sectioned off by the applicant. However, this represents a private legal matter, which must be addressed separately to this planning application.

Therefore, the principle of housing on this site is considered to be acceptable and the proposal is considered to be in accordance with Local Plan Policy H1. The impact on the character of the area is discussed below.

Impact on Amenity

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

There have been objections from members of the public regarding the impact of the proposed development on neighbouring residential amenity, including: loss of privacy, loss of light, noise and disturbance from construction works, inadequate distance separation and loss of amenity areas.

Impact on the living conditions of neighbouring dwellings

Since refusal of application W/18/0389, the access to the proposed dwellings has been widened because the applicant has purchased additional land, thus the proposal will not impact so significantly on the amenity of the occupiers of 29 Leam Street. The impact of the development on 29 Leam Street did not represent a reason for refusal under the most recent application. The vehicular movements in front of 27 and 29 Leam Street are not considered to be so different to the relationship which the existing properties along Leam Street have with parked vehicles and in fact 27 and 29 Leam Street have more relief than these properties from direct vehicular movements. There would be no conflict with the Council's adopted 45 degree guidance and there are no side facing windows serving 29 Leam Street which would be impacted. The proposal is therefore considered to have an acceptable impact on 27 and 29 Leam Street, which the proposed dwellings would sit adjacent to.

Under the previous application, whilst concern was noted by Officers in relation to the impact of additional parking next to 32 Leam Street in terms of disturbance for the occupiers, it was not considered that it would be so harmful as to warrant reason for refusal of the application. Parking would still be retained adjacent to this property as part of the current proposal. There would be a boundary treatment which would separate the application site and neighbouring property, and the area to be most impacted is the front amenity area serving 32 Leam Street, where they park their own vehicles. Furthermore, it should be noted that the land which has been purchased by the applicant could be used lawfully for parking vehicles without the need for planning permission. Therefore it is not considered that the proposed development would have such a detrimental impact on 32 Leam Street which would warrant reason for refusal of the application.

In reference to the impact on other neighbours adjoining the site, there is a row of terrace properties to the east of the site (Leam Terrace) which would sit opposite to the proposed dwellings. There are proposed habitable rooms with windows which would face towards the rear elevation of the existing dwellings. Both the proposed dwellings and existing properties which would face the side elevation of the proposed dwelling are two stories in height. Therefore, the required distance separation for this relationship is 22 metres. The proposal meets this requirement and it should also be noted that the proposed dwellings would be at a slight angle from the existing dwelling, thus further reducing the overall impact and perception of overlooking.

There is also a first floor window of the former public house which was converted to a residential property to the rear of the application site which serves a habitable room. This would be nearly 16 metres from the proposed development. The proposed dwelling which would be positioned immediately opposite to the existing dwelling has no rear facing windows serving habitable rooms (only one glazed which serves a non-habitable room and can be conditioned to be permanently obscured glazed and non-opening). The rear windows serving the second proposed dwelling would not overlook this window, and therefore, the proposed development would meet the required distance separation of 12 metres to an essentially blank elevation.

Environmental Health Officers note that the site is located within close proximity to existing residential dwellings, along a relatively narrow residential highway. They therefore recommend that a condition is attached for the provision of a Construction Management Plan prior to commencement of works on site. This would control nuisance from noise, dust, smoke, light and vehicular traffic movements. This is considered necessary to protect the amenity of neighbouring residents and will be added.

As the proposed development would not breach the Council's distance separation or 45 degree guidance, and for the above reasons, it is considered that the proposed development would have an acceptable impact on neighbouring residential amenity.

Provision of a satisfactory living environment for the proposed dwellings

As detailed above, there are no conflicts with the Council's adopted distance separation or 45 degree guidance.

The Residential Design Guide requires that for properties of 3 bedrooms, a private amenity area should be provided of at least 50sqm. Each proposed dwelling would benefit from the required sized amenity area. It should also be noted that a 2.5m hedge has been provided to the south of the patio area serving the proposed dwelling to east of the site. This is to ensure that privacy for the future occupiers is provided to screen views from the window serving the property to the rear of the site.

It is therefore considered that the proposed development would provide adequate living conditions for the future occupiers of the properties. The development is therefore considered to be in accordance with Local Plan policy BE3.

Impact on the character and appearance of the Conservation Area

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

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

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

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be

constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide 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 Town Council and members of the public have objected to the proposed development and stated that the proposal represents unsatisfactory infill development which has little regard to nearby design and is contrary to Local Plan policy BE1. Members of the public consider that the proposals represent overcrowding and overdevelopment of the site; that the proposal represents poor quality design which is not inkeeping with the existing properties in terms of height, design, materials, scale, form, massing and number of bedrooms; and that the development would have a detrimental impact on the Conservation Area.

The previous application was refused because the proposed dwellings were not considered to harmonise well with the existing street scene or Conservation Area. The proposal was considered to appear at odds with the existing character of the area and was considered to be a contrived and poorly considered design with regard to the position of windows and large amounts of brick walls. The proposed car parking spaces were also considered to poorly relate to the proposed dwellings.

The proposed dwellings have been amended to better reflect the character of the area. The proposed dwellings would be a semi-detached pair, of similar scale and proportions to 27 and 29 Leam Street. Brick dentil courses around the windows and door frames, chimneys and a fire wall pay respect to the setting of the Conservation Area and traditional details found within the nearby street scene. It is recognised that less traditional materials, such as roof tiles, rather than slate will be used. The Conservation Officer also recommends that the front elevation is amended to reflect the design of the adjacent properties. However, a balance has to be struck between providing a traditional form of development which sits comfortably within the Conservation Area, and a form of development which also respects the character of the immediate street scene. The character of the area is predominately traditional terraces, however, the site is positioned at the very end of a cul-de-sac which is not in a prominent position. Furthermore, the end of the road is characterised by a mixture of modern infill dwellings, which provide a more varied character within this section of the street scene.

Members of the public consider that, as the dwellings would be taller than some within the surrounding area, the proposal should be refused. However, as stated, this section of the street scene is mixed in character, including the heights of the existing properties, and therefore, as proposed the height of the properties is considered to be acceptable. A condition for provision of the finished floor levels will also be included. Members of the public also consider that the proposal represents overdevelopment of the site and that the number of bedrooms proposed is out of keeping with the area. The proposed dwellings are modest in size, but are provided with ample amenity areas, which are larger than many

within the surrounding area. Sufficient parking can be provided on site and many of the nearby properties are also 3 bedroom dwellings. Consequently, Officers have no reason to consider that the proposal would represent overdevelopment of the site.

It is therefore considered that, on balance, the design respects both the character of the Conservation Area and immediate street scene. A condition will still be imposed for the provision of sample materials to ensure a high quality finish. The proposal is considered to be in accordance with Local Plan policies BE1, HE1 and HE2.

Car parking and highway safety

There have been objections from the Town Council and members of the public that the development would impact on existing parking stress and congestion; that there is inadequate parking provision and no turning area provided; there is a lack of electric vehicle charging points; the access for emergency and refuse vehicles is compromised; and that there is no cycle storage provided.

The development would provide 2 spaces for each dwelling which is in accordance with the Council's adopted Vehicle Parking Standards guidance. The parking for 27 and 29 Leam Street is not formalised and the previous application showed 1 space per dwelling. There was no objection to the application on the basis of the impact on existing parking to these properties. Therefore, the proposal is considered to meet with the Council's required car parking standards.

WCC Highways have raised no objection to the proposed development in terms of the parking or access arrangements and have requested that a condition is attached to ensure that the turning area is provided prior to occupation of the site, which will be added. Officers consider that owing to the relatively constrained nature of the site in terms of parking provision and access arrangements, it would be prudent to require that as part of the Construction Management Plan details of where construction vehicles would be located during works are provided (which was also requested by WCC Highways under previous applications) to protect neighbouring residential amenity.

Secure cycle parking can be accommodated within the amenity areas of each property and a condition can be attached for the provision of electric charging points.

Therefore, whilst the concerns of the Town Council and members of the public are acknowledged in reference to highway safety and parking, as the development provides adequate parking and access arrangements, the development is considered to be in accordance with Local Plan policies TR1 and TR3.

Flood Risk

There have been objections from the Town Council and members of the public that the development would have a harmful impact on existing flooding potential. They raise concern that the applicant's flood risk assessment fails to take into account past flood events.

The site is situated within Flood Zone 2 and the Environment Agency have been consulted. Previously, the Environment Agency and WCC LLFA objected to the proposed development due to a lack of information to assess the application. However, this has been provided in support of the current application. Subject to conditions requiring the provision of a detailed surface water drainage scheme and a condition to ensure that the development is carried out in accordance with the details submitted, the Environment Agency and WCC LLFA have no objection to the proposal.

The proposal is therefore considered to be in accordance with Local Plan policies FW1 and FW2.

Waste

Members of the public have objected to the proposed development as they consider that inadequate waste storage arrangements are provided.

However, adequate waste storage can be accommodated within the site boundaries. It is also noted that waste management have no objection to the proposed development.

Ecological Impact

Members of the public have objected to the proposed development owing to the detrimental impact which the proposed development would have on wildlife. However, WCC Ecology have commented on the application and have no objection to the proposed development, subject to the inclusion of notes relating to nesting birds, reptiles, amphibians and hedgehogs, which will be added.

WCC Ecology also request a condition for the protection of existing trees on site. The Tree Officer notes that there is an immature hornbeam on the site, along the northern boundary; but because of their ultimate mass and stature hornbeam do not mix particularly well with intimate development and so the Tree Officer has no objection of its removal. Furthermore, the Tree Officer states that there is little else of arboricultural interest within the site boundary. It would therefore be unreasonable to insist on the retention or protection of trees on site on this basis. The protected species advisory notes are considered to be satisfactory for the protection of wildlife.

There have been comments received that TPO trees were cut down previously by the applicant. However, the Case Officer has checked this matter with Planning Enforcement who have confirmed that some shrubs and bushes were removed around the perimeter of the site, but no trees have been cut down, and there are no TPOs listed within the site boundaries.

The proposal is therefore considered to be in accordance with Local Plan policy NE2.

Other matters

Environmental Protection note that there will be an increase in vehicular traffic and to mitigate the impact on air quality a condition should be imposed to ensure that electric charging points are provided, which will be added. Members of the public also raise concerns regarding the impact of the proposed development on existing pollution levels and the fact that there is no provision for green infrastructure, energy saving or sustainability. However, the required level of mitigation in accordance with the Council's Air Quality Mitigation Guidance can be secured by condition, which will mitigate against the impact of the development. Furthermore, energy saving and sustainability will be addressed by Building Control. There is no requirement for green infrastructure for this scale of development within the Local Plan.

There have been objections from members of the public that there would a loss of open space, particularly in reference to the loss of the former public house garden. However, the former public house was converted some time ago to a separate residential property and the former pub garden has never been a public area of open space.

Members of the public consider that the development would not be beneficial to the community and there are no public benefits. However, for the reasons stated above, Officers have no material planning reason to refuse the application and the NPPF states that there is a presumption in favour of sustainable development, unless material circumstances indicate otherwise.

Members of the public have raised concerns that a fence will be erected which would block access to existing parking. However, a condition will be attached so that the parking and turning areas have to be maintained as such to ensure that there would be no impact on existing onstreet parking.

Members of the public state that a change of use is required for the amenity area serving Albert Court which is to be used for parking. However, in planning terms, the use as parking or as a garden area would still be in the same use, being for residential purposes, and no change of use is required.

Members of the public raise concerns regarding the fact that the land levels have been raised in the pub garden which were not approved by WDC. Notwithstanding the fact that the land levels have been increased without planning permission, a condition will be attached for the provision of details of the finished floor levels to ensure that the proposed dwellings would not be out of keeping or overbearing on neighbouring residential amenity.

CONCLUSION

The proposed semi-detached dwellings have been appropriately designed to sit comfortably within the street scene and Conservation Area. The proposed development would have an acceptable impact on neighbouring residential amenity and would provide adequate living conditions for the future occupiers. Adequate parking has been provided which meets with the Council's Vehicle Parking Standards and the proposal would not have a harmful impact on protected species. The proposed development should therefore be approved.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 5214/03G and 5214/04G submitted on 6th June 2019 and drawing 5214/02L submitted on 23rd July 2019, and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: the parking of vehicles of site operatives and visitors; hours of work and deliveries; control measures to reduce noise; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and details of external work lighting. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.
- 4 No 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:
 - Undertake infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
 - If infiltration is not viable, limit the discharge rate to 1 l/s and provide provision of surface water attenuation storage in accordance with '*Science Report SC030219 Rainfall Management for Developments*'.
 - Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
 - If infiltration is not viable, provide evidence to show an agreement

from Severn Trent Water to connect to the existing combined sewer network.

- 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; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Warwick District Local Plan 2011 - 2020 policies FW1 and FW2.

- 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 until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **REASON:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 7 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 8 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of

traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

- 9 The development shall be carried out in accordance with the submitted flood risk assessment (ref 'Flood Risk Assessment for Land at Public House, Radford Road, Leamington Spa, CV31 1JZ' prepared August 2018) and the following mitigation measures:
- Finished floor levels shall be set no lower than 300mm above existing ground levels.
 - Flood resilience to be designed up to 900mm above ground level.
 - No Ground floor sleeping accommodation.
- These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. **REASON:** To reduce the risk of flooding to the proposed development and future occupants in accordance with Warwick District Council Local Plan 2011 - 2029 policy FW1.
- 10 Prior to the occupation of the development hereby permitted, the first floor rear facing window in the south elevation serving the bathroom to the western plot shown on the approved plans 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 window(s) 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.
- 11 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
-