

**Planning Committee:** 12 March 2024

**Item Number:** 5

**Application No:** [W 23 / 0801](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Erin Weatherstone  
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**Registration Date:** 15/06/23  
**Expiry Date:** 10/08/23

**66 Montrose Avenue, Lillington, Leamington Spa, CV32 7DY**

Erection of a two storey, 2 bedroom detached dwelling on land adjacent to 66 Montrose Avenue. FOR Mr O'Sullivan

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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 at the end of this report.

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the erection of a two storey detached dwelling with associated works including a new vehicular access from Montrose Avenue.

**THE SITE AND ITS LOCATION**

The application site lies to the north of Lillington within the Urban Area Boundary. The site lies within Flood Zone 1. The application site comprises of 66 Montrose Avenue (a dwelling which sits on a corner plot between Montrose Avenue and St Andrews Road) and its garden. The new dwelling is proposed to front onto Montrose Avenue to the northwest of the application site. Existing neighbouring dwellings adjoin the application site along all other boundaries.

**RECENT RELEVANT PLANNING HISTORY**

W/21/1552 - Erection of 1no. detached dwelling. Refused 11/02/2022. Dismissed at appeal 04/01/2023.

**Background:**

This application is a revised scheme which seeks to address the concerns raised with planning application W/21/1552 which was refused and subsequently dismissed at appeal. The key concerns with application W/21/1552 related to the impact of the development on the amenity of neighbouring dwellings which also related to the principle of the development.

The Covering Letter submitted with this application states that the following changes have been made in response to the concerns raised with W/21/1552:

- The dwelling has been reduced in width, footprint and mass;
- Reference is made to the orientation of number 66 Montrose Avenue and the design is considered by the Agent to adhere with the 45 degree test;
- The first floor rear facing window has been removed; and
- Overlooking impacts on number 35 St Andrew's Road have been considered.

Due to the age of this appeal decision and similarities with this application, this is a material consideration which officers afford significant weight.

During the course of this application amendments were received. The amendments included an updated Sunlight Assessment and a Biodiversity Net Gain assessment. This revised information was subject to a full re-consultation with all consultees and Neighbours.

### **RELEVANT POLICIES**

- Warwick District Local Plan 2011-2029
- H1 - Directing New Housing
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE5 - Protection of Natural Resources
- SC0 - Sustainable Communities
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- CC1 - Planning for Climate Change Adaptation
- BE5 - Broadband Infrastructure
- National Planning Policy Framework
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS2 - Housing Design
- RLS4 - Housing Character Outside the Conservation Areas
- RLS12 - Air Quality
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- The 45 Degree Guideline (Supplementary Planning Guidance)

### **SUMMARY OF REPRESENTATIONS**

Ward Members: Cllr Russell- Objects to the development for the following planning reason:

- Based on possible over-development and impact on amenities of near neighbours (21/07/2023).

Royal Leamington Spa Town Council: Objects the application for the following planning reasons (summarised by the case officer):

Overdevelopment; Impact of development on amenity of neighbouring dwelling's; and ecology concerns that the applicant has not demonstrated how the development will provide for net gains in biodiversity.

A site visit is requested should officers be minded to support the application and it be triggered to Planning Committee (07/07/2023 and 21/01/2024).

WCC Ecology: Recommend refusal as the applicant has failed to demonstrate that the proposal will not result in net biodiversity gain (22/01/2024).

WCC Highways Authority: No objection subject to conditions (18/07/2023).

WCC Lead Local Flood Authority: Objection based on insufficient information (23/01/2024).

WDC Waste Officer: No objection (21/06/2023).

**Public Response-**29 letters of objection were received in response to the application which raised the following planning considerations:

- Concerns regarding the need for the development;
- Impact on character of the area, including loss of garden, scale in relation to neighbouring buildings, overdevelopment, at odds with character of the area and design out of place;
- Concerns regarding the impact on neighbouring properties' amenity through loss of privacy/overlooking, loss of light, overbearing impacts, light pollution, noise and impacts during construction;
- Queries regarding the Sunlight Assessment;
- Concerns regarding the amenity of future occupiers of the new dwelling and 66 Montrose Avenue in relation to the size of the gardens proposed;
- Impact on highway safety including pedestrian (including school children) and cyclist safety and concerns regarding the proximity of the site to the existing bus stop and impact on existing on-street parking constraints and concerns regarding construction;
- Air quality impacts due to increased traffic generation;
- Impact on wildlife, including bats and loss of garden land;
- Flooding impacts including concerns regarding the foul drainage capacity and surface water drainage due to the existing ground conditions;
- Concerns regarding the impacts on the existing water and drainage infrastructure;
- Absence of assessments to accompany the application including a Landscape Assessment, Arboricultural Assessment, Ecological Report, Daylight Assessment and Transport/Highways Assessment and queries

regarding the submitted plans (letter dated prior to this application was submitted);

- The proposal is not designed to reduce crime or fear of crime;
- The Applicant has not demonstrated that the proposal will meet climate change requirements; and
- Reference to decision at 68 Montrose Avenue.

Other non-planning matters were also raised.

## **ASSESSMENT**

### Principle of development

The application site lies within the Urban Area Boundary as identified by the Local Plan. As such, Policy H1 is relevant to the principle of the development and supports residential development within the Urban Area Boundaries.

The application site comprises of a parcel of garden land and Policy H1 further states that development on garden land will not be permitted unless the development reinforces or harmonises with the established character of the area.

Policy RLS1 of the NDP states that proposals for new housing development within the Urban Area, will be supported in certain circumstances. Based on the information provided the development is not considered to meet the requirements of parts 1., 3. or 4. of Policy RLS1.

However, part 2. of Policy RLS1 relates to infill developments and supports proposals that are of an appropriate scale and that do not lead to the loss of residential gardens (unless in accordance with Policy H1), overdevelopment or proposals which have a significant adverse impact on the amenity of existing occupiers and users.

Having regard to the above, the principle of the development may be supported by Policy H1 and Policy RLS1 of the NDP, subject to the relevant criteria being met.

Other material considerations are addressed below.

### Character, Design, Distinctiveness and Landscape

The site lies in a residential area and the streetscene is considered to include semi-detached and similar scale dwellings. Montrose Avenue is considered to be open and spacious in character with tree lined roads with grass verges.

Dwellings within the locality of the site are predominantly set back from the road with private driveways and low boundary treatments. Neighbouring dwellings are generally two storey in height; with some dwellings having been extended over

time. Design features within the streetscene include hipped roofs, canopies and chimneys with materials including brick, tile, some tile hanging and render.

The application site lies within Lillington and forms a parcel of garden land set to the rear of 66 Montrose Avenue which lies on a corner plot with St Andrews Road.

The new dwelling is detached and two storey in height with a hipped roof and forward projecting gable with canopy. The new dwelling will have a ridge height of approximately 7.8m which is lower than the neighbouring dwellings located to the north and south. The proposed eaves will match the closest dwellings within the streetscene and the new dwelling will be finished in brick under a tile roof.

To the rear of the new dwelling a two storey element is proposed with a wrap around single storey element with monopitched roof. The new accommodation comprises of two bedrooms at first floor with bathroom and at ground floor the accommodation provided includes a sitting room, W/C and open plan kitchen/living area which will be served by bi-fold doors into the garden.

The application site is flat in nature and the new dwelling is set back into the site in line with the built form to the south with a parking and garden area fronting the road. The dwelling will be set approximately 1m from the boundary to the south and approximately 5m from the built form to the north, with a new garden proposed to the east of the new dwelling. Officers consider that the proposal will meet the back to back and back to side distances set out in the Council's Residential Design SPD when considering separation distances.

As part of the previous application (reference W/21/1552) officers did not consider that the proposal, by virtue of filling the existing gap, would diminish the open character of the wider streetscene as it was considered that the open character was derived from the width of the road and set back nature of the dwellings. This therefore did not form a reason for refusal of application W/21/1552.

During the course of the application concerns have been raised regarding the density of the development and the impact on the character of the area. Whilst officers accept that the proposed new dwelling will have a garden which is smaller than the immediate neighbours and the proposal will infill an existing parcel of garden land, the new dwelling by reason of its siting, height and scale is not considered to result in harm to the open character of the streetscene or harm to the overall character of the area.

When considering the design and materials of the new dwelling officers consider that the proposal will reflect the design cues and materials experienced within the locality of the site. The garden contains limited vegetation and a small tree which is proposed to be retained as part of the development. Officers consider it reasonable to recommend that details of the external materials and landscaping be secured via planning condition to ensure a satisfactory finish.

Having regard to the above and subject to conditions officers consider that the proposal will not result in harm to the character of the area having regard to

Policies H1 and BE1 of the Local Plan and Policies RLS1 and RLS4 of the NDP respectively.

### Residential Amenity

The application site has several close neighbouring dwellings including number 64 Montrose Avenue located to the south of the site and number 66 Montrose Avenue located to the north of the new dwelling (within the application site). To the east of the site lie 37, 35 and 33 St Andrews Road which have gardens located to the south of the new dwelling. Opposite the site to the west lie neighbouring dwellings which front Montrose Avenue.

During the course of the application concerns have been raised regarding the impact of the development on the amenity of neighbouring dwellings and the amenity of future occupiers of both the new dwelling and 66 Montrose Avenue.

### Overlooking/ loss of privacy

The site plan identifies that a 1.8m timber fence will be erected along the northern boundary and eastern boundary. Officers consider that this boundary treatment will prevent overlooking from ground floor windows, and that an unacceptable overlooking impact will not occur from any ground floor windows due to the distances and positions of the garden and new ground floor windows to neighbouring properties. Furthermore, it is recommended that these boundary treatments can be secured via planning condition as part of the landscaping condition.

The proposed dwelling will introduce one side and one rear first floor window which both serve non-habitable areas (a landing and bathroom respectively). Officers further consider it reasonable to obscure glaze the bathroom window and landing window proposed and limit the opening via planning condition to protect the amenity of the neighbouring dwelling's amenity.

Officers are satisfied that any future side first floor facing windows under permitted development will need to be obscure glazed and have limited opening and therefore it is not considered necessary to restrict any new upper side facing windows via planning condition. Officers do however consider it reasonable to restrict any upper floor rear facing windows to prevent adverse overlooking impacts occurring in the future. Due to the limited roof space officers do not consider that it would be necessary to limit rooflights or dormers windows via planning condition.

### Overbearing Impacts

The Council's Residential Design Guide sets out the definition of habitable rooms for the purposes of planning assessments. Furthermore, the SPD sets out a 45 degree test to assist in considering any overbearing harm and states that breaches of the 45 degree line which occur at a distance of 8m or more will generally be considered not to result in material harm to light and outlook.

To the south of the application site 64 Montrose Avenue does not have any side windows facing towards the site and as such the proposal is not considered to result in an adverse overbearing impact on this neighbouring property's amenity.

66 Montrose Avenue has rear facing habitable windows which face towards the application site however the closest habitable window is set more than 8m away from the new dwelling. The proposal is therefore not considered to result in an adverse overbearing impact on this property's amenity. The closest window to the site on the rear of the single storey projection of 66 Montrose Avenue is a non-habitable window and therefore the 45 Degree Guideline does not apply to this window.

Due to the siting, design and size of the new dwelling the development is not considered to result in a breach of any other 45 degree lines from neighbouring habitable windows and officers are satisfied that an overbearing impact will not occur on the private amenity spaces or habitable windows of neighbouring dwelling's due to the siting, height and size of the new dwelling.

#### Overshadowing Impacts

The application has been submitted with A Daylight, Sunlight and Overshadowing Assessment which has been updated during the course of the application in response to comments raised regarding discrepancies. As part of the assessment the extension to 35 St Andrews Road (reference W/18/0833) has been considered.

The assessment has been carried out in accordance with the BRE Guidance (Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice) 2022 and Daylight in buildings, BS EN 17037.

The Daylight assessment has excluded 75 and 77 Montrose Avenue as they are considered to be too far away to result in an adverse loss of light. Which officers consider to be acceptable.

The Daylight assessment considers the impact of the development on 66 Montrose Avenue, 37 St Andrews Road and 35 St Andrews Road. The report concludes that sufficient natural daylight will be received in the habitable rooms identified.

With respect to overshadowing the assessment identifies that the rear gardens surrounding the site will continue to receive at least two hours sunlight on the 21<sup>st</sup> March and therefore are expected to be adequately lit through the year.

Having regard to the above, officers consider that the proposal will not result in an unacceptable overshadowing impact on neighbouring properties' amenity areas or habitable windows having regard to Policy BE3, NDP Policy RLS1 and paragraph 135 of the NPPF.

#### Noise and Disturbance

The proposal by reason of its use is not considered to result in an unacceptable impact through adverse noise and disturbance on the amenity of neighbouring dwellings.

Concerns have been raised regarding the impact of the development on neighbouring properties' amenity during the construction period, should planning permission be forthcoming. A Construction Management Plan (CMP) has not been recommended by WCC Highways Authority and due to the scale of the development it is not considered reasonable to secure a CMP via planning condition.

#### Air Quality

The application has been submitted with an Air Quality Statement which advises that a new EVCP will be provided for future occupiers. Officers consider it reasonable to secure this via planning condition in line with Policy TR1 and the Council's Air Quality SPD. With respect to air quality, the proposal does not fall within the Royal Leamington Spa Air Quality Management Area having regard to Policy RLS12 of the NDP.

#### Amenity for future occupiers (including 66 Montrose Avenue and new dwelling)

The Council's Residential Design SPD sets out minimum standards for gardens and states that regard should be given to the shape and usability. Officers are satisfied that sufficient garden space will be provided for the existing occupiers of 66 Montrose Avenue and the future occupiers of the new dwelling including parking, bin and waste storage. Furthermore, the Council's Waste Officer has raised no objection to the development.

When considering the design of the new dwelling officers consider that there will be sufficient windows to provide natural light and ventilation for future occupiers in line with Policy BE3.

Having regard to the above and subject to appropriate conditions, officers do not consider that the development will result in an unacceptable adverse impact on the amenity of neighbouring dwellings through adverse overlooking, overshadowing or overbearing or adverse surroundings. Furthermore, the proposal is considered to provide a satisfactory level of amenity for future occupiers. The proposal is therefore considered to accord with Policy BE3, Policy RLS1 of the NDP and paragraph 135 of the NPPF in this regard.

#### Highways Matters (including access and parking)

The proposal seeks to create a new vehicular access from Montrose Avenue and create two parking spaces for the new dwelling. The existing vehicular access and parking associated with 66 Montrose Avenue is proposed to be retained in its current form. Cycle storage is shown on the proposed site plans for the new dwelling and 66 Montrose Avenue with pedestrian access available down the side of each property.

During the course of the application concerns have been raised about the proximity of the site to the bus stop, the impact of the development on the existing

on-street parking and the impacts the proposal can raise in relation to highway safety.

In response to the development no objection is raised by WCC Highways subject to conditions and notes which relate to drainage within the public highway, footway/verge crossing details and visibility splays.

Officers are satisfied that sufficient off-street vehicle and cycle parking will be available for the new dwelling and 66 Montrose Avenue in line with the Council's Parking Standards SPD, Policy TR3 and NDP Policy RLS4.

The Highway Authority recognise that the works will require the removal a telegraph pole and associated apparatus, bus stop and BT cabinet to facilitate the new vehicular access which officers consider will fall outside of the planning process.

Due to the scale of the development the proposal is not considered to require a contribution towards infrastructure having regard to NDP Policy RLS13.

Based on the information provided, the proposal is not considered to give rise to any adverse harm to highway safety and is considered to provide sufficient parking for future occupiers in line with Policies TR1 and TR3 of the Warwick District Council Local Plan, NDP Policy RLS4 and paragraph 114 of the NPPF in this regard.

#### Impacts on Ecology and Biodiversity

The application has been submitted with a Preliminary Ecological Appraisal (PEA) by Arbtech dated November 2023 and Biodiversity Net Gain Assessment dated December 2023.

The application site does not lie within a designated site of local or national biodiversity importance. The PEA identifies that there are no statutory designated sites within 2km of the application site and the Biodiversity Net Gain Assessment states that in order to achieve a net gain in biodiversity additional or alternative landscaping should be explored. The report recognises that there is limited scope to achieve this net gain on site or adjacent with the current arrangement given the size of the site and limited amount of soft landscaping.

In response the development WCC Ecology has assessed the submitted Ecological reports but considers that a post development habitat map and habitat figures are required to demonstrate the biodiversity unit figure of loss for the site.

Policy NE3 of the Local Plan states that development should not result in any net loss in biodiversity and where possible a net gain. Furthermore, Policy 180 of the NPPF states that proposals should result in net gains for biodiversity.

Concerns have been raised during the course of the application by the Town Council and third parties regarding the impact of the proposal on ecology grounds.

As part of the previous application, officers were satisfied that a condition could be imposed to secure details of biodiversity enhancements and to protect the

existing vegetation within the site (which officers consider can be addressed through a landscaping condition).

Having regard to the above, and the significant weight afforded to the previous decision which is directly applicable to this proposal, officers are satisfied that the proposal will not result in harm to protected or notable species and subject to conditions, in line with the previous application, will meet the requirements of Policies NE1, NE2, NE3, SC0, NE5 of the Local Plan, paragraph 180 of the NPPF and the duties set out in The Natural Environment and Rural Communities Act (2006).

### Flood Risk and Water Environment

The application site lies in Flood Zone 1 which has the lowest probability of flooding. The proposal seeks to connect to the existing mains sewer and surface water is proposed to be managed through soakaways.

In response to the consultation, concerns have been raised in relation to the capacity of the existing foul drainage sewer and concerns have been raised in relation to surface water drainage due to the existing land conditions.

In response to the application the LLFA has raised concerns that the details provided with the application do not meet the requirements set out in the NPPF and NPPG. The LLFA recommends that soakaway testing is provided or an alternative disposal method proposed, should an infiltration based approach be unviable.

As part of planning application, W/21/1552 officers recommended that details of foul and surface water be conditioned. Officers therefore consider that this is reasonable and consider that subject to suitable conditions the development will not give rise to an adverse impact in relation to surface water or foul drainage. Officers are further satisfied that an adequate water supply will be able to serve the development and water efficiency measures can be secured via planning condition to meet Policy FW3.

Having regard to the above and subject to suitable conditions, the proposal is considered to accord with Policies BE1, SC0, FW2, FW3 and FW4 of the Warwick District Council Local Plan, and paragraph 165 of the NPPF in this regard.

### Climate change and mitigation

In line with Policy CC1 all development should be designed to be resilient to, and adapt to the future impacts of, climate change including through layout, building orientation, construction techniques, materials/ natural ventilation, optimising multi-functional green infrastructure and minimising vulnerability to flood risk. This is echoed in Policy SC0 and BE1. Based on the plans provided it is considered that the new dwelling will benefit from natural ventilation and not give rise to increased flooding.

NDP Policy RLS2 seeks to encourage proposals to adopt a higher environmental standard of building design and energy performance. A condition is recommended to require the submission of a Sustainability Statement to address the requirements of Policies CC1 and RLS2.

In addition to the above, Policy BE5 seeks to encourage on-site infrastructure for the provision of broadband in both residential and employment development. Officers are satisfied that this could be provided for future occupiers.

### Other matters

Reference is made within the Third Party representations to the planning application adjacent to 68 Montrose. Planning permission was refused (reference W/93/0361) for the erection of a three bedroom, two storey dwelling set adjacent to 68 Montrose Avenue which lies directly to the north of the application site. The application was refused on character grounds.

This is a material consideration within the officer assessment and whilst it is accepted that there are some similarities between the development considered by W/93/0361 and this proposal (as both new dwellings being set within the garden of a corner plot, are two storey in height and have access from Montrose Avenue), this dwelling is considered to be materially different by reason of its size, design and relationship with neighbouring dwellings. In addition, it is noted that the age of this decision is prior to the current Local Plan being adopted. For these reasons limited weight is afforded to this decision by officers within the assessment.

### Covenants

Third party representations raised concerns that the development will not be in line with existing covenants. However, this would not represent a material planning consideration.

## **CONCLUSION AND PLANNING BALANCE**

Planning permission is sought for the erection of a new detached dwelling within an existing garden within the Urban Area Boundary.

Subject to conditions and notes, officers do not consider that the development will give rise to any adverse impacts in relation to the character of the area, residential amenity, highways matters including parking, flood risk, ecology and biodiversity or climate change and mitigation. The principle of the development is therefore considered to be supported by Policy H1 and NDP Policy RLS1.

Having regard to the above, the development is considered to represent a sustainable form of development and it is therefore 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) unless otherwise required by a planning condition associated with this decision:
  - Plans, Elevations and Sections (Dwg No: 1045-07); and
  - Site/Block Plan (Dwg No: 1045-06)

Received by the Local Planning Authority on 1st June 2023.

**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 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.
- 4 The development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area.

The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted and the boundary treatments along the northern and eastern shall be retained in perpetuity.

All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and

shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

**Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and to protect the amenity of neighbouring dwellings in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 5 No development shall commence unless and until details of surface and foul water drainage works have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

- 6 The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.

**Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 7 The access to the site for vehicles shall not be used unless a public highway footway/verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.

**Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 8 The development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of (specify) metres above the level of the public highway carriageway.

**Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 9 The development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been constructed or laid out in strict accordance with the approved plans and made available for use by the occupants of the development. Thereafter

those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development.

No dwelling shall be occupied unless and until it has been provided with the appropriate refuse containers necessary for the purposes of refuse, recycling and green waste, in accordance with the Council's specifications.

Refuse and recycling storage containers must be stored within the refuse and recycling storage area shown on the approved plans, unless when being presented on street for collection facilities.

**Reason:** To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 10 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.
- 11 Prior to the occupation of the development hereby permitted, the first floor bathroom window in the south east elevation and the first floor landing window on the north east elevation 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. No additional windows shall be installed within the rear (south east elevation) without express planning permission.
- 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.
- 12 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle

recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

13 The development hereby permitted shall not be occupied unless and until:

(a) details of biodiversity enhancements to achieve a net gain in biodiversity have been submitted to and approved in writing by the local planning authority; and

(b) the biodiversity enhancement measures approved under (a) have been completed in strict accordance with the approved details, with the exception of any planting, which must be completed within the first planting season following first occupation.

The biodiversity enhancement measures shall thereafter be retained and maintained in strict accordance with the approved details in perpetuity.

**Reason:** To ensure net gains in biodiversity, in accordance with the requirements of the NPPF.

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