



7 August 2020

**Note: This Agenda covers those matters to be considered
by the Head of Development Services, in consultation with
the Chairman of Planning Committee**

Planning Applications

- 1 **W/16/0279 – Land off Seven Acre Close, Bishops Tachbrook
*MAJOR APPLICATION***
- 2 **W/18/1635 – Supplementary Report – Land East of
Kenilworth, Glasshouse Lane/Crewe Lane, Kenilworth
*MAJOR APPLICATION***
- 3 **W/19/1473 – Former Harvester Restaurant, Stratford Road, Warwick**
- 4 **W/19/1492 – Former Harvester Restaurant, Stratford Road, Warwick**
- 5 **W/19/1494 – Former Harvester Restaurant, Stratford Road, Warwick**
- 6 **W/20/0388 – Land Adjacent Kingswood Farm, Old Warwick Road,
Lapworth**
- 7 **W/20/0822 – 9 Silver Birch Grove, Royal Leamington Spa**
- 8 **W/20/0930 – 198 Valley Road, Lillington, Royal Leamington Spa**

Extended Delegated Decisions Meeting: 07 August 2020

Application No: W/16/0279

Town/Parish Council: Bishops Tachbrook

Case Officer: Lucy Hammond

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Land off Seven Acre Close, Bishops Tachbrook

Outline application for up to 50 dwellings together with associated access, public open space and landscaping

For AC Lloyd (Homes) Ltd

INTRODUCTION

This report relates to the above planning application which was referred to Planning Committee on 24 May 2016 where it was resolved to grant planning permission subject to the signing of a Section 106 Agreement.

This proposal seeks a minor alteration to the content of the Section 106 Agreement, specifically in relation to the Biodiversity Offsetting clause.

RECOMMENDATION

The Head of Development Services in consultation with the Chair of Planning Committee is recommended to resolve to agree the proposed changes to the Section 106 agreement to allow;

- The omission of the requirement for the applicant to have to pay to Warwickshire County Council, prior to first occupation of the development, the sum of £157,717 towards securing the long term management of biodiversity within the vicinity of the application site; and
- Instead, the applicant will purchase 5.15 Biodiversity Offsetting Units from the Alscot Estate, in lieu of making a direct financial payment to the County Council (as agreed with the County Council Ecologist).

HISTORY

W/16/0279 - Outline planning application for the construction of up to 50no. dwellings together with associated access, public open space and landscaping – **APPROVED 28 JUNE 2016**

DETAILS OF THE CHANGES

- To remove the requirement for the applicant to have to pay a financial contribution (in this instance £157,717) directly to Warwickshire County Council, prior to the first occupation of the development, which would be

put towards securing the long term management of biodiversity within the vicinity of the application site;

- To instead, require the applicant to purchase 5.15 Biodiversity Offsetting Units from the Alscot Estate, in lieu of making a direct financial payment to the County Council, an approach which has already been agreed with the County Council Ecologist.

RELEVANT POLICIES

- National Planning Policy Framework
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)

ASSESSMENT

The main issue relevant to the consideration of this is whether the amended details would continue to enable the delivery of a sustainable development that mitigates its impact through appropriate infrastructure contributions having regard to the Council's policies and national planning guidance.

The sole issue relates to the Biodiversity Offsetting clause in the S.106 agreement which, in conjunction with the approved planning permission, seeks to ensure that the development provides for sufficient biodiversity enhancements and safeguards against any net loss, and where possible, and appropriate, resulting in a net gain.

The original Committee Report identified that there would be a loss which could be compensated for on-site subject to appropriate habitat creation and management proposals. In the event this were not feasible then the loss should be offset; this would be included within the S.106 agreement.

To that end, the extant S.106 agreement requires that, prior to the first occupation of the development, the applicant shall pay the sum of £157,717 to Warwickshire County Council towards securing the long term management of biodiversity within the vicinity of the application site.

However, on 27th March this year, Warwickshire County Council entered into a management agreement under Section 39 of the Wildlife and Countryside Act 1981 in relation to land forming part of the Alscot Estate. The management agreement provides for the provision by the Alscot Estate of identifiable biodiversity net gain, and allows "biodiversity offsetting units" to be purchased in order to offset the ecological impacts of development.

The applicant has now agreed with the County Ecologist that it will purchase 5.15 Biodiversity Offsetting Units from the Alscot Estate in lieu of making a direct financial payment to the County Council. The County Ecologist agrees that this is sufficient to offset the effects of the scheme and has agreed to the proposal. It is proposed that the biodiversity offsetting units must be purchased prior to first occupation of the development, in order to mirror the timing of the present obligation.

A deed of variation is required to make the necessary amendments to the S.106 agreement. A draft deed has been supplied by the applicant and agreed by the County Council.

For the avoidance of doubt, this report seeks authority to replace the requirement to pay a financial contribution to the County Council directly with the requirement to purchase 5.15 Biodiversity Offsetting Units from the Alscot Estate instead.

SUMMARY / CONCLUSION

The proposed changes to the Section 106 Agreement require authority from the Head of Development Services in consultation with the Chair of Planning Committee to update the terms of the Section 106 Agreement to omit the requirement for the applicant to pay a financial contribution to the County Council in respect of Biodiversity Offsetting, but instead, purchase the relevant amount of Biodiversity Offsetting Units (5.15) from the Alscot Estate in lieu of the financial contribution.

These elements have been fully justified and the Head of Development Services is requested to authorise the changes as set out within this report.

SUPPLEMENTARY PLANNING REPORT

Application No: [W 18 / 1635](#)

Town/Parish Council: Kenilworth
Case Officer: Dan Charles

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Registration Date: 28/08/18

Expiry Date: 27/11/18

Land East of Kenilworth, Glasshouse Lane/ Crewe Lane, Kenilworth

Demolition of existing farmhouse and agricultural buildings and outline planning application for residential development of up to 620 dwellings (Use Class C3), land for a primary school, (Use Class D1) including means of access into site (not internal roads), parking and associated works, with all other matters (relating to appearance, landscaping, scale and layout) reserved FOR Catesby Estates Plc

RECOMMENDATION

At the meeting of Planning Committee on 17 June 2020, Members resolved that W/18/1635 be granted, subject to the conditions below, a Section 106 agreement to secure the necessary financial contributions/ obligations and the approval in writing by the Head of Development Services, in consultation with Chairman of the Committee, of a scheme of mitigation for the proposed roundabout at the junction of Stansfield Grove and Glasshouse Lane, to the reasonable satisfaction of the Environmental Health Officer, that would ensure the application complies with Local Plan Policy BE3, amenity of neighbours, in respect of headlight glare, noise and loss of privacy by no later than 30 September 2020. If the scheme of mitigation for the proposed roundabout cannot be agreed by this time it shall be brought back to Committee on 8 October 2020.

This report considers the mitigation scheme submitted in pursuance of the committee resolution and seeks approval from the Head of Development Services and the Chairman of Planning Committee.

DETAILS OF THE DEVELOPMENT

The proposal relates to an outline application for up to 620 dwellings together with a one-form entry primary school. All matters are reserved other than access.

The access point the subject of this supplementary report is proposed to be provided from Glasshouse Lane via a new 4 arm roundabout serving the site, Glasshouse Lane and Stansfield Grove. The proposal also includes the provision of a 3-metre wide shared footway/cycleway to link into the footway/cycleway link proposed for the High School application (W/19/0655).

This access point forms the primary access to the site to serve the proposed spine road through the site that would connect to the second point of access from Crewe Lane.

The mitigation proposals that have been put forward are;

- The provision of chevron signage on the roundabout.
- The provision of planting on the island.
- The provision of 1 metre high walls to either side of Stansfield Grove access.
- The provision of additional verge planting to reinforce the existing.

THE SITE AND ITS LOCATION

The location of the proposed roundabout would be located on Glasshouse Lane immediately adjacent to Stansfield Grove, a residential cul-de-sac of 14 properties.

The location has been identified to take into account the site constraints of Victoria Spinney to the North and an existing area of orchard land to the South. These two areas of land are identified as Priority Ecological Habitats.

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- Kenilworth Neighbourhood Plan
- KP4 - Land East of Kenilworth
- KP8 - Traffic
- KP13 - General Design Principles
- Warwick District Local Plan (2011-2029)
- DS1 - Supporting Prosperity
- DS3 - Supporting Sustainable Communities
- DS5 - Presumption in Favour of Sustainable Development
- DS11 - Allocated Housing Sites
- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources

- Guidance Documents
- East of Kenilworth Development Brief Supplementary Planning Document (March 2019)

SUMMARY OF REPRESENTATIONS

PLEASE NOTE THAT THIS SUMMARY CONTAINS ITEMS RECEIVED AFTER THE RESOLUTION TO GRANT FROM COMMITTEE ON 17 JUNE 2020.

WDC Environmental Health Officer: No objection to the proposals. (Note, comments form body of report)

Public Response: A total of 8 additional letters of objection have been received regarding the proposed roundabout. Comments made;

Objection Comments

- Current roundabout scheme contrary to Policies BE1 and TR1 of the Local Plan and KP13 of the Kenilworth NDP.
- Lack of negotiation with residents of Stansfield Grove.
- Will result in vehicles turning into Stansfield Grove in error.
- Harm to residential amenity of all residents of Stansfield Grove from light pollution.
- Alternative solution should be sought.
- Lack of joined up thinking across the developments.
- No case for mitigation.
- The East of Kenilworth Development Brief places significant emphasis on ensuring that the amenity of both existing and new properties is satisfactory in terms of disturbance and noise.
- The original plans incorporated a spine road from the development directly to the A46 at Thickthorn roundabout. However, the revised plans show the main entrance to be via a new 4-way roundabout at the junction of Glasshouse Land and Stansfield Grove. Other than a minor exit onto Crewe Lane, all existing traffic between St John's gyratory along Glasshouse Lane, incorporating all the new developments in eastern Kenilworth, will pass through this roundabout.
- Pollution from dust and carbon emissions from vehicles negotiating the roundabout in close proximity to homes (nowhere in Kenilworth has such a large traffic island been sited so near to residential properties) Increased traffic noise from vastly increased traffic levels (especially from school coaches, lorry, and bus brakes as they slow for the roundabout) Intrusion and loss of privacy (some windows face the road and double decker buses will look directly into bedrooms as they negotiate the roundabout just a few metres away)
- Light pollution (at night and in the early morning/late afternoon (in winter) when headlights from vehicles navigating the roundabout will shine straight into homes)
- Parking (blocked drives, or drivers inadvertently entering the cul de sac and turning around in driveways since the presence of the pond means there is actually only a few metres of public road in which to turn)

- Infringement of rights to privacy and continued enjoyment of our possessions
- No consideration has been given to the adverse impacts the proposed new roundabout will have on the lives of the residents, and on access to their properties.
- No assessment has been made of the impact of HS2 traffic and the HS2 construction village near to the A46 Stoneleigh junction.
- No assessment has been made of the impact of this development with others planned for Kenilworth such as on the rugby club land, Wardens cricket club or the housing adjacent to the new school; all sited just a short distance away in either direction along Glasshouse Lane.
- The planned spine road linking the various planned developments internally and directly to the A46 has been abandoned meaning residents of each sector will need to exit their estate and join traffic along Glasshouse Lane to re-enter the next, for instance to access schools and shops.
- Concerns about an unacceptable increase of traffic on Glasshouse Lane and Crewe Lane have not been taken into account (this already results in daily tailbacks and traffic overload especially at St John's gyratory).
- The new roundabout is planned to be situated within 100 metres of a notorious 90-degree bend on Glasshouse Lane and site of numerous accidents and fatalities in the past. This bend is a blind spot for residents and will become even more dangerous with additional traffic flows.
- The planned improvements at St Johns gyratory are simply new traffic lights. This will cause increased tailbacks and 'encourage' drivers to choose alternatives routes out of Kenilworth via the proposed development thereby increasing, yet further, traffic at the roundabout.
- Catesby Estates have made numerous and expensive concessions to their original plans in order to get through outline planning. However, no thought has been given to the impact and loss of amenities to existing residents.
- In the Committee report published 5 June, the section 'Impact on existing properties (page 18) is just four short paragraphs. It makes no mention of any of the issues listed above. In fact, it does not mention Stansfield Grove and the access roundabout at all. Without any proper consideration of the issues, it ends with 'Officers are satisfied that the development is acceptable having regard to Policy BE3 of the Local Plan and Policy KP13 of the Kenilworth Neighbourhood Plan.' In contrast, the next section in the report, 'Provision of an appropriate living environment for future occupants of the proposed development,' is 11 paragraphs long and far more detailed. This reinforces the belief that the decision to grant this planning application was made in haste, and with a total disregard for the adverse impacts this will have on current residents.
- This belief was further evident at the committee hearing on 17 June - this residents group have shared concerns that the hearing did not demonstrate the standards of fairness, openness and impartiality when several comments about the impact to Stansfield Grove residents were made without a sound evidential basis.
- This development, and the road and traffic impacts, cannot be evaluated in isolation and must be considered holistically with the other developments planned for Kenilworth.
- The original spine road from Thickthorn roundabout into the development should be re-introduced to avoid a disastrous increase in traffic on Birches

Lane, Glasshouse Lane, Stansfield Grove and Crewe Lane. This is in the interests of all existing and future Kenilworth residents and visitors.

- The roundabout planned at the entrance of the Stansfield Grove cul de sac should be re-positioned - either further along Glasshouse Lane to form a three arm junction away from existing housing, or moved significantly inside the development in order that its impact can be more effectively managed.
- Any mitigation measures must be to the satisfaction of current residents in compliance with Policy BE3 of the Local Plan and Policy KP13 of the Kenilworth Neighbourhood Plan.

Applicant's Comments

The applicants have submitted a detailed scheme of works and supporting report for the provision of the details proposed. In summary, the report states;

- The proposed roundabout has been designed to tie in with Stansfield Grove due to existing constraints to the east of Glasshouse Lane, namely Victoria Spinney to the north which is a Priority Woodland Habitat, as well as retaining the orchard fronting Woodside Management Centre (also classified as Priority Habitat) and finally ensuring the works can be delivered with land under the applicant's control.
- The roundabout has been designed to the relevant national standards and delivers the necessary visibilities and deflection.
- If the roundabout were moved further east then the southbound approach would likely enter land outside of the applicant's control and would also reduce the separation distances between Stansfield Grove and the Glasshouse Lane arms.
- The roundabout in this location was the preferred location as discussed with WCC during pre-application discussions as it would assist with slowing vehicles to support a 30mph extension and would also facilitate better egress from Stansfield Grove compared to it being retained as a simple priority junction.

HEADLIGHT GLARE

- Any headlight glare affecting the properties in Stansfield Grove will primarily result from vehicles turning right from the spine road. Headlights from vehicles turning left into / out of the spine road will not impact the properties in Stansfield Grove.
- The proposals shown on drawing 17377-05e-04 present the following mitigation for headlight glare from vehicles turning right from the spine road:
- Walls on entry to Stansfield Grove to provide screening from headlights of vehicles turning right from the new spine road and also provide a sense of place for Stansfield Road to reduce the potential for drivers to enter the cul-de-sac thinking it was a through road. This can be supplemented with additional signage;
- Enhanced planting on the south western side of the junction to further screen any headlight glare from vehicles leaving the site especially during the autumn/ winter periods when vegetation coverage is reduced and the hours of darkness are increased;

- chevron signs and tree planting is proposed on the roundabout, which blocks direct headlight glare across the roundabout from vehicles leaving the spine road. Standards require all approaching drivers to be able to see the entire circulatory so substantial planting would be unlikely to be acceptable;
- the proposed alignment of the roundabout for vehicles travelling north will also benefit those frontage properties as it takes vehicles away from Stansfield Grove meaning headlight glare (that would normally target the nearside kerb line) will be moved away from those properties.

NOISE IMPACT

- Table 6.1 of the submitted Noise Assessment provides an assessment of road traffic noise levels along Glasshouse Lane for 'with' and 'without' development scenarios:
- The anticipated noise increase at Stansfield Grove (link 7) as a result of the proposed development is calculated to be 0.2dB(A). Such a level of increase is negligible and would be imperceptible to those nearest residences. Reflecting this situation no additional noise mitigation is proposed.

LOSS OF PRIVACY

- Glasshouse Lane is already a busy road with a high number of vehicles passing the entrance to Stansfield Grove. Reflecting this situation it is not considered that the increase in traffic resulting from the development will materially impact the existing privacy of the properties.
- Notwithstanding this, it is considered the proposed mitigation walls, improved planting and visual interruptions on the roundabout in the form of chevrons and trees will provide additional screening for those properties in Stansfield Grove, ensuring there is no material loss of privacy.

ASSESSMENT

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

The East of Kenilworth Development Brief sets out a range of design criteria that any development of the site must achieve in order to maintain a high level of visual amenity and to protect the character of the surrounding area.

Policy KP13 of the Kenilworth Neighbourhood Plan requires new development to have a positive response to the site characteristics and surroundings.

There are 3 elements to be assessed as part of this supplementary report;

- Impact of headlight glare on residential properties.
- Impact of noise on residential properties.
- Loss of privacy to residential properties.

Impact of headlight glare on residential properties.

The current situation is that Stansfield Grove is a side road with priority to vehicles travelling straight along Glasshouse Lane. In terms of headlights, these would be travelling in a north-south direction with no deflection in the road that would result in headlights being directed into Stansfield Grove other than vehicles entering and exiting the cul-de-sac.

The submitted mitigation works include a raised table for the roundabout together with chevrons signage located on the island with various planting. In addition, two walls measuring 1 metre in height are proposed on the highway verge either side of the access to Stansfield Grove. Finally, additional planting is proposed to the southern side of the access to Stansfield Grove to supplement the existing planted boundary. All of the proposed works fall within the boundaries of the public highway and can be secured through the proposed highways works.

The roundabout would introduce vehicles turning out of the development onto Glasshouse Lane in both a southerly and northerly direction. Due to the deflection in the carriageway, headlights from vehicles turning left (southerly) would be angled away from the access to Stansfield Grove and the angle of the dipped beam would further orientate the lights away from Stansfield Grove. The existing hedgerow along this area of frontage would mitigate the headlights in this direction. Where nearer to the access, the proposal incorporates a 1 metre high wall to provide a barrier to mitigate the headlight glare.

Vehicles turning right to travel in a northerly direction would be required to navigate the roundabout with headlights being directed into Stansfield Grove. On the approach to the roundabout, chevron signage and planting is used to diffuse the direct facing headlights. The combination of walls and new hedge planting within the public highway would provide additional mitigating measures to minimise any undue headlight glare.

The Environmental Health Officer (EHO) has considered the proposal and notes that in terms of headlight glare, this is generally only a problem when the car is located on a higher plane than the residential dwelling. Issues around headlight glare are typically found with vehicle ramps in multi-storey car parks when a car is descending or ascending the ramp and the headlight beam is directed towards a residential façade.

They would also suspect that street lighting remains on in the local area until 00:00 on weeknights so vehicle headlights would not be as prominent as perhaps in a more rural location. After 00:00 the EHO would not expect a large number of vehicle movements to and from the proposed development so again the impact from headlight glare is likely to be quite low.

In this instance, the vehicles on Glasshouse Lane and the development access road do not appear to be on a higher plane than the existing residents on Stansfield Grove therefore there is already a low possibility of headlight glare being a problem.

In conclusion, the Environmental Health Officer is satisfied that the applicant's proposals for additional landscaping, 600mm high walls, and chevrons in the vicinity of the roundabout will all assist in screening any potential headlight glare

further and the proposal would not result in demonstrable harm sufficient to object to the application.

Impact of noise on residential properties.

The application was submitted with a detailed noise assessment that was carried out in accordance with recommended methodology using monitoring data collected on the site to determine the potential noise increase as a result of the development and to determine an acceptable course of mitigation for future residents as a result of the adjacent A46 running to the southern boundary of the site.

During the course of the application, the noise report was assessed by the EHO who raised no objection to the scheme. It is noted that during the course of the application, the report was revised and updated but this was focussed on noise to future residents as result of the proximity of the A46 corridor rather than any concerns regarding the impact on existing properties as a result of the development.

The EHO has revisited the noise report as a result of the outcome of Committee and reviewed the submitted data. The EHO has noted that the original noise assessment report predicts negligible noise impacts (an increase of 0.2dB) at the junction of Glasshouse Lane and Stansfield Grove and in his professional opinion, any additional mitigation measures will only have a marginal improvement upon the previous proposals and cannot see what additional measures the applicant could reasonably take to reduce this further.

In light of the limited potential impact, the EHO has raised no objection to the proposal.

Officers are therefore satisfied that the proposal would not result in any noise harm to the amenity of the residents of Stansfield Grove that would warrant the refusal of planning permission.

Loss of privacy to residential properties

The key aspect of the loss of privacy would be the potential for double decker bus users to be able to gain views into properties as the vehicle navigates the proposed roundabout.

In Officers opinion, the potential for any increased loss of privacy as a direct result of the development is negligible. Glasshouse Lane currently runs adjacent to Stansfield Grove and buses currently run along this road. The development would extend an existing bus service into the site but would not directly result in additional buses on the route. Therefore, there would be no net gain in bus service frequency that could have a cumulative impact.

The impact of car users would be mitigated for by the provision of additional planting along the boundary together with new walls that would provide some screening from potentially loss of privacy issues.

Taking into consideration the existing road layout, Officers are satisfied that the development would not result in any demonstrable loss of privacy as a result of the proposed new roundabout.

Other Matters

Highways Considerations

In making the assessment of this case, Officers have noted that the layout and design of the roundabout has been designed to the appropriate Highways standards. Consideration into moving the location of the roundabout back into the application site would result in significant increased deflection of the carriageway of Glasshouse Lane that would potentially be beyond the tolerances for an acceptable element of essential highway infrastructure. In addition, this movement of the roundabout would then result in a further issue of how to connect to the existing Stansfield Grove access point which would require an additional engineering solution.

Therefore, the potential for moving the roundabout from its current location would not be practicable on highways grounds.

Impact on Ecology/Protected Species

Adjacent to the proposed access point, there are two areas of high ecological importance consisting of Victoria Spinney to the north which is identified as a Priority Woodland Habitat and an area of orchard that fronts the Woodside Management Centre which is also classified as Priority Habitat.

The relocation of the access point back into the boundary of the site would require the alteration of the carriageway of Glasshouse Lane to take into consideration the appropriate levels of deflection required to meet the highways standards. The resultant amendments would require the removal of large areas of the identified Priority Habitats. This would result in the potential for objection from both WCC Ecology and Natural England. It would not be possible to adequately mitigate for this loss satisfactorily and any proposal would therefore result in significant ecological harm.

Conclusion

The recommendation of Committee was to require the submission of a scheme of mitigation for the proposed roundabout at the junction of Stansfield Grove and Glasshouse Lane that demonstrated, to the reasonable satisfaction of the Environmental Health Officer, that amenity of neighbours, in respect of headlight glare, noise and loss of privacy would ensure the application complies with Local Plan Policy BE3.

A scheme of mitigation works has been submitted and assessed by the Environmental Health Officer who has raised no objection to the proposal and is satisfied that the mitigation works are acceptable.

Officers therefore request permission from the Head of Development Services and the Chairman of Planning Committee to proceed with the application to determination on completion of the associated Section 106 Agreement.

Extended Delegated Decisions Meeting: 07 August 2020

Application No: [W 19 / 1473](#)

Town/Parish Council: Warwick

Case Officer:

Rebecca Compton

01926 456544 rebecca.compton@warwickdc.gov.uk

Registration Date: 29/08/19

Expiry Date: 24/10/19

Former Harvester Restaurant, Stratford Road, Warwick, CV34 6TW

Change of use of building from restaurant (use class A3) to mixed-use restaurant (use class A3) and hot food takeaway (use class A5) with alterations to site layout and elevations, reconfiguration of car parking, landscaping and associated works. Installation of drive-thru lane with 2No. COD (Customer Order Display) with associated canopies, playframe and goal post. Erection of new extensions following the partial demolition of existing building. FOR McDonald's Restaurants Ltd

This application is being presented to the Head of Development Services in consultation with the Chair of Planning Committee due to objections from the Town Council and members of the public having been received.

RECOMMENDATION

For planning permission to be granted subject to conditions listed at the end of the report.

DETAILS OF THE DEVELOPMENT

Change of use of building from restaurant (use class A3) to mixed-use restaurant (use class A3) and hot food takeaway (use class A5) with alterations to site layout and elevations, reconfiguration of car parking, landscaping and associated works. Installation of drive-thru lane with 2No. COD (Customer Order Display) with associated canopies, playframe and goal post. Erection of new extensions following the partial demolition of existing building.

THE SITE AND ITS LOCATION

The application site relates to a disused former restaurant building previously occupied by 'Harvester' which ceased trading at this site in April 2019. The site is situated next to a hotel and both benefit from large car parking areas. The site is adjacent to the M40 junction 15 and is accessed off Stratford Road, the access drive is also shared by Longbridge Manor, a Listed Building.

PLANNING HISTORY

None relevant.

Associated applications currently under consideration

W/19/1492 - Display of 4 no. internally illuminated fascia signs.

W/19/1494 - Display of various site signage including 4 no. freestanding digital signs, 1 no. non-illuminated banner unit, 1 no. digital booth screen, 1 no. illuminated play land sign and 38 no. non-illuminated dot signs.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE5 - Protection of Natural Resources
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets
- TC2 - Directing Retail Development
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Object due to impact on highway.

Highways England: No objection.

WCC Highways: No objection subject to white lining scheme to be implemented prior to occupation.

WCC Ecology: No objection subject to conditions requiring further bat survey and works to commence outside of nesting bird season.

WCC Landscape: No objection but recommend changes to screens for visual benefits.

WDC Environmental Health: No objection subject to conditions.

Tree officer: No objection subject to development to proceed in accordance with mitigation measures set out in the tree report.

Cllr Jonathan Holland: Objects.

Cllr James Hawkesford: Objects.

Cllr John Murphy: Objects.

Cllr Martin Neale: Objects.

Cllr Anna Mace-Leska: Objects.

Cllr Victoria Hunt: Objects.

Cllr Liam Bartlett: Objects.

Councillors object on the following grounds:

- Impact on traffic and the M40
- Would create an unofficial service station
- Negative impact on neighbours
- Increase in litter
- Signage not appropriate in this location
- Pollution from additional traffic
- Dangerous for other highway users

Public response:

100 letters of objection have been received on the following grounds:

- Impact on character of the area
- Increase in traffic in already busy area
- Impact on M40 junction 15
- Litter
- Noise
- Odour
- Pollution
- Pedestrian safety
- The need for a further McDonalds
- Impact on health, obesity

8 letters of support have been received on the following grounds:

- McDonalds offer healthy choices so will not cause obesity
- McDonalds are a reputable company
- Much needed facility

ASSESSMENT

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

- principle of the development: retail policy and the impact on the vitality and viability of town centres;
- highway safety and parking;
- the impact on the character and appearance of the area;
- the impact on the living conditions of nearby dwellings;
- ecological impact;
- waste management;
- health and wellbeing;
- other matters

Principle of the Development: retail policy and the impact on the vitality and viability of town centres

Local Plan Policy TC2 states that within the town centres, new retail development (defined as Use Classes A1, A2, A3, A4 and A5) should be located as a first preference in the retail areas defined on the Policies Map. Where suitable sites are not available in the retail areas, sites on the edge of the retail areas will be considered and, if no suitable sites are available in any of the preferred locations, out-of-centre sites will be considered.

The lawful use of the site is a restaurant A3. The proposal seeks to convert the existing building and would not create any additional retail floor area. Essentially the proposal replaces one form of retail use (A3) with a mix of that and another form of retail use (A5). The proposal does include the provision of a drive thru however this is not a facility that can be readily provided within the town centre. The drive-thru needs to be in a convenient location for existing drivers on the highway network.

Therefore, as the lawful use of the site is A3 and the proposal is for a mixed use A3 restaurant and A5 takeaway with a drive thru, the principle of development is acceptable and would not create additional retail floor space outside of the town centre.

The proposal complies with Local Plan Policy TC2.

Highway safety and parking

In accordance with the adopted Parking Standards SPD the development is required to provide 52 parking spaces and 7 cycle spaces. The development will provide 84 parking spaces which includes 2 accessible spaces and 4 EV spaces. An additional 3 reserved parking spaces for drive-thru customers are also proposed. The proposal will provided 8 cycle spaces. The provision of parking and cycle spaces is in excess of the requirements set out in the adopted Parking Standards SPD.

The application site has a single access point off Stratford Road in the form of a ghost island priority T-junction. The site is located next to the Holiday Inn hotel which also benefits from its own car park. The access to the site also serves Longbridge Manor which is in a commercial use.

The Highways Authority and Highways England had originally objected to the proposed development based on a lack of information in order to assess the application, namely: traffic surveys; development trip generation; development traffic behaviour; impact on the Strategic Road Network (SRN).

One of the significant potential concerns regarding the proposed development was the impact on traffic along Stratford Road and the M40 junction 15. To establish whether the additional vehicle trips and movements into/out of the site access will have a detrimental impact on the operation and capacity of the local highway network and the strategic road network, various assessments have been undertaken. Local and regional traffic data has been input into the Trip End

Model Presentation Program (TEMPro) to estimate traffic growth and determine the impact on the highway network. Traffic surveys have also been undertaken of existing McDonalds sites across the country to determine traffic behaviour associated with the use. The data provided suggests that peak times associated with the proposed use would be outside the typical peak times for the adjacent roads and junctions.

There have been ongoing discussions between the transport consultants representing the applicant and the Highways Authority and Highways England to address concerns raised about impacts on the local highway network and the strategic road network. The requested additional information has been submitted and has been assessed by both the Highways Authority and Highways England. The Highways Authority consider the impact on the access junction into the site to be acceptable, subject to a new white lining scheme which will be secured via condition. Highways England have reviewed information put forward regarding traffic growth and trip generation and are satisfied that this would not be detrimental to the M40 junction 15.

The Highways Authority did initially have concerns about access to the site for cyclists and pedestrians. The applicant has confirmed that National Cycle Route 41 runs the length of Stratford Road and diverts south before the application site providing access over the M40 and linking up to the A429. Furthermore, there are existing pedestrian routes and pedestrian crossings along Stratford Road. As a result, the Highways Authority are satisfied that the existing infrastructure is sufficient for the proposed use.

Subject to the provision of a new white lining scheme to the entrance of the site, the proposal is considered to provide adequate access and parking arrangements and will not be detrimental to the Highway Network. The development is therefore considered to be in accordance with Local Plan policies TR1, TR2 and TR3.

Impact on the character and appearance of the area

There have been objections from members of the public and local Councillors on grounds that the proposal would have a detrimental impact on the character of the area.

The application site as existing consists of a restaurant building and car park, there is an adjacent hotel and car park in the immediate context. The proposal seeks to convert the existing restaurant building and will involve alterations, extensions and partial demolition of the existing building. The proposed design is considered acceptable and the overall bulk and mass of the existing building will be reduced as a result of the proposed design. Additional features associated with the proposed use include a goal post height restrictor, canopies and ordering screens to the drive thru. These structures will be set well within the site and will be read in the context of a family restaurant. The drive thru is positioned to the side and rear of the building and so views of this will be from within the site with limited views from Stratford Road. The proposal also includes a children's play area to the front of the building which is considered appropriate in the context of a family restaurant.

The building as existing is not a prominent feature in the street scene due to it being set in from the main site access and due to the high level of screening that is positioned between the site and Stratford Road and the high boundary wall positioned either side of the site access. The site also sits at a lower level to the section of Stratford Road and the M40 positioned immediately to the north and west of the site boundary.

Objectors have raised concerns regarding the cumulative impact of the proposal structures and signage. Whilst the individual signage applications will be assessed separately, officers do not consider that the cumulative impact of the signage and structures associated with the use would be harmful to the character of the area. The drive thru has been positioned to the rear of the building so views of this will be limited. Structures and signage associated with the use are set well within the site. Furthermore, due to the position of the site in relation to Stratford Road, any views of the signage and structures will be at a distance and will not be incongruous in the street scene.

The alterations to the existing building are considered of an acceptable design. Furthermore, the associated structures have been positioned sensitively within the site to limit any potential visual impact. Therefore the proposal is not considered to have a harmful impact on the character and appearance of the area. The proposal is therefore considered to be in accordance with Local Plan policy BE1.

Officers also note that the site has been vacant since April 2019 and so the proposal will bring a disused site back into use which will be an enhancement of the site.

It has also been concluded that the proposals would not harm the setting of the Listed Building at Longbridge Manor.

Impact on the living conditions of nearby dwellings

There have been objections from local Councillors and members of the public on grounds that the proposal fails to comply with Local Plan Policy BE3, in that the proposed lighting and noise disturbance will be harmful to neighbouring residential properties. Local residents have concerns regarding the potential impacts from odours and the impact on air quality from additional traffic entering the site and engines idling.

An Air Quality Impact Assessment has been submitted to determine any impacts arising from traffic associated with the proposed use. The assessment concludes that the development will have a negligible impact on NO₂ concentrations and would have a negligible impact on nearby residential uses. Environmental Health are satisfied with this assessment and have requested that a Travel Plan be secured via condition in which the applicant will need to demonstrate how they will encourage more sustainable modes of transport. The proposal will also provide 4 rapid charging electric vehicle points to accord with the adopted Air Quality SPD.

Environmental Health Officers have requested details of the kitchen extraction equipment to be submitted for approval which is to be secured via condition. Environmental Health are satisfied that subject to conditions requiring the air quality mitigation measures to be implemented, plant noise to be limited, and

suitable kitchen extraction equipment to be installed to mitigate odours, that the development will have an acceptable impact on neighbouring properties.

The closest neighbouring properties would be over 110 metres from the proposed restaurant and over 60m from the car park, the site was last in use as a family restaurant and the proposed use is also as a family restaurant, The drive thru is located behind the existing building and is located over 110m from the nearest residential property.

Therefore, in view of the distance away from the nearest residential property, together with the fact that the site is located next to a busy main road and the fact that the site has previously been in use as a family restaurant, it is not considered that the proposals would give rise to any significant issues in terms of amenity, noise, odour or disturbance for neighbours or in terms of the visual impact of the proposals. The development is considered to be in accordance with Local Plan Policy BE3.

Ecological Impact

WCC Ecology have commented on the proposal and have no concerns from an ecological perspective subject to a condition requiring the development to take place outside of the nesting bird season or for a nesting bird survey to be submitted, which will be secured via condition. The development is in accordance with Local Plan Policy NE2.

Waste Management

There have been a number of objections to the proposed development on grounds of the potential for increased littering.

As the drive-thru restaurant would be a commercial site, the Local Authority has no control over the waste storage and collection arrangements, or litter prevention for the site. The owner of the site will be required to make their own waste collection arrangements.

It should be noted that the applicant has provided information on how the site will control litter with daily litter patrols, typically 3 times per day, within a 100m radius of the site. Refuse bins are provided around the site and signage advising against littering is also displayed within the site.

Health and Wellbeing

Objectors consider that the proposed development would have a detrimental impact on health, encouraging poor eating choices and obesity which is contrary to local and national health objectives. Supporters state that the proposal will not encourage poor eating behaviours as this is the choice of the individual, and that McDonald's has healthy eating options. Objectors also contest the need for another McDonalds restaurant in Warwick.

It is not considered in planning terms that a restaurant / take-away would lead to such a significant impact on health and wellbeing which would warrant reason for refusal of the application. Moreover, there are no policies in the adopted Local Plan

which prevent new restaurants or takeaways on this basis nor are there any policies that limit the number of restaurants/takeaways in a particular area.

Other matters

There have been other objections to the proposal on the following grounds:

- increase in rodents,
- there are two McDonald's nearby so the proposed restaurant is not needed,
- proximity to local schools,

Supporters of the proposal state that:

- the proposal is much needed,
- the proposal will provide employment opportunities.

The above matters are either not material planning considerations, or do not carry material weight to alter the conclusions that have been reached above.

CONCLUSION

It is considered that the proposals would not cause unacceptable harm to the living conditions of neighbouring dwellings or to the character and appearance of the area. Furthermore, it is considered that the proposals would be acceptable in terms of ecological impact, highway and pedestrian safety and impact on the town centre. Therefore, the proposed development should be approved subject to the proposed conditions.

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) 7792-SA-8052-P106B (GF+FF), E11-003 (PLAYFRAME), HWAR 8366 M1002A (ROOF LAYOUT), Patio area specifications, Goal post and Canopy specifications - sign type 8 and sign type 28, 16459-VL-MCD-LO1A, 16459-VL-MCD-LO2A, 7792-SA-8052-P105C, 7792 SA 8052 P102F, 7792 SA 8052 P104K, and specification contained therein, submitted on 29th August 2019, 12th February 2020 and 06th May 2020. **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 (including any demolition) shall commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– 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 NE2 of the Warwick District Local Plan 2011-2029.

- 4 Equipment shall be installed to suppress and disperse smoke, fumes and/or odour produced by cooking and food preparation, and the equipment shall be effectively operated for so long as the use continues. Details of the equipment shall be submitted to, and approved by, the Local Planning Authority and the equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use. Any mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority. **REASON:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted shall not be occupied until the white lining scheme has been completed in accordance with the details shown on submitted drawing AMA/50009/SK07 and specification contained therein, submitted on 30th January 2020. **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.
- 6 The landscaping plan shall be completed within three months of the first occupation of the development hereby permitted in full accordance with the details as shown on approved drawings 16459-VL-MCD_L01A, 16459-VL-MCD_L02A and specification contained therein submitted on 12th February 2020. 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 in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 7 Within six months of the first occupation of the development hereby permitted, the applicant shall submit a Travel Plan to promote sustainable transport choices to the site for approval by the local planning authority in writing. The measures (and any variations)

approved shall continue to be implemented at all times thereafter.

REASON: In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.

- 8 Within 6 months of the occupation of the development hereby permitted, four 50kW rapid electric vehicle recharging points 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 points have been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Photographs showing the location of the electric vehicle recharging points; (2). A technical data sheet for the electric vehicle recharging point infrastructure. Thereafter the electric vehicle recharging points 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.
- 9 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 10 The development hereby permitted shall either:
1. Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
 2. Not commence until a qualified ecologist has been appointed by the applicant to inspect the building/vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by the ecologist.
- 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 NE2 of the Warwick District Local Plan 2011-2029.

- 11 The development shall proceed in full accordance with the mitigation measures set out in the Tree Survey, Arboricultural Assessment, Arboricultural Method Statement & Tree Protection Plan produced by Hayden's Arboricultural Consultants submitted on 29th August 2019.
REASON: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
-

Extended Delegated Decisions Meeting: 07 August 2020

Application No: [W 19 / 1492](#)

Town/Parish Council: Warwick

Case Officer:

Rebecca Compton

01926 456544 rebecca.compton@warwickdc.gov.uk

Registration Date: 03/09/19

Expiry Date: 29/10/19

Former Harvester Restaurant, Stratford Road, Warwick, CV34 6TW

Display of 4 no. internally illuminated fascia signs. FOR MCDONALD'S
RESTAURANTS LTD

This application is one of two applications for associated signage related to planning application W/19/1473 which is being presented to the Head of Development Services in consultation with the Chair of Planning Committee due to objections from the Town Council and members of the public having been received.

RECOMMENDATION

For Advertisement Consent to be granted.

DETAILS OF THE DEVELOPMENT

This application seeks consent to display illuminated signage that will be mounted to the building and includes 2 no. internally illuminated company logos, 1 no. internally illuminated company name and 1 no. play area sign.

THE SITE AND ITS LOCATION

The application site relates to a disused former restaurant building previously occupied by 'Harvester' which ceased trading at this site in April 2019. The site is situated next to a hotel and both benefit from large car parking areas. The site is adjacent to the M40 junction 15 and is accessed off Stratford Road, the access drive is shared by Longbridge Manor, a Listed Building.

PLANNING HISTORY

Applications for signage associated with previous uses

W/13/0049 - Remove existing signage and replace with new branded signage (retrospective) - Granted

W/15/1677 - Display of 2 No Internally illuminated post signs 1 No Internally illuminated set of letters & logo 2 No Non illuminated transom signs - Granted

Associated applications currently under consideration

W/19/1494 - Display of various site signage including 4 no. freestanding digital signs, 1 no. non-illuminated banner unit, 1 no. digital booth screen, 1 no. illuminated play land sign and 38 no. non-illuminated dot signs.

W/19/1473 - Change of use of building from restaurant (use class A3) to mixed-use restaurant (use class A3) and hot food takeaway (use class A5) with alterations to site layout and elevations, reconfiguration of car parking, landscaping and associated works. Installation of drive-thru lane with 2No. COD (Customer Order Display) with associated canopies, playframe and goal post. Erection of new extensions following the partial demolition of existing building.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No comment to make.

Councillor John Murphy: Objects on the grounds that the amount of signage is excessive and would be harmful to the street scene.

ASSESSMENT

The main issues relevant to consideration of this application are:

- Impact on Amenity
- Public Safety

Impact on Local Amenity and Design

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. Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Furthermore, development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development.

Concern has been raised over the impact of the signage on the semi-rural location.

The proposed signage includes an internally illuminated company name, two company logos and one internally illuminated play area sign. It is accepted that there may be views of the signage from the Stratford Road however it is

considered that these views would be limited due to the dense vegetation that separates Stratford Road and the application site. The application site also sits at a lower level to Stratford Road on the approach to the M40 Junction 15. The majority of the views into the site will be from the main access road off Stratford Road and the site is set in from the main entrance by approximately 50 metres with the hotel car park situated between the two. There is a high boundary wall located either side of the main entrance which further restricts views into the site. Therefore, as public views of the signage will be from a distance Officers consider it will not create imposing features in the street scene. Officers also note that the adjacent hotel benefits from illuminated signage to the site entrance and elsewhere and so illumination is considered acceptable in this context. The signage is considered to be appropriate for the proposed use, and is considered to be of an appropriate size and scale.

Therefore, whilst Cllr Murphy's concerns are noted, the development is not considered to be harmful in design terms or to local amenity. The development is therefore considered to be in accordance with Local Plan policies BE1 and BE3.

Public Safety

The signage will be mounted to the building, no public safety issues have been identified and it is considered that the proposed signage would not be harmful to public safety.

CONCLUSION

In the opinion of the Local Planning Authority, the proposals would not detract from the amenity of the area and would not be detrimental to public safety. The proposals are therefore considered to comply with the policies listed.

CONDITIONS

- 6 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) Playland Logo, 7792-SA-8052-P109 C, McDonalds/132/2010 and specification contained therein, submitted on 03rd September 2019. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

Extended Delegated Decisions Meeting: 07 August 2020

Application No: [W 19 / 1494](#)

Town/Parish Council: Warwick

Case Officer:

Rebecca Compton

01926 456544 rebecca.compton@warwickdc.gov.uk

Registration Date: 03/09/19

Expiry Date: 29/10/19

Former Harvester Restaurant, Stratford Road, Warwick, CV34 6TW

Display of various site signage including 4 no. freestanding digital signs, 1 no. non-illuminated banner unit, 1 no. digital booth screen, 1 no. illuminated play land sign and 38 no. non-illuminated dot signs. FOR MCDONALD'S RESTAURANTS LTD

This application is one of two applications for associated signage related to planning application W/19/1473 which is being presented to the Head of Development Services in consultation with the Chair of Planning Committee due to objections from the Town Council and members of the public having been received.

RECOMMENDATION

For Advertisement Consent to be granted.

DETAILS OF THE DEVELOPMENT

This application seeks consent to display various signage including 4 no. freestanding digital signs, 1 no. non-illuminated banner unit, 1 no. digital booth screen, 1 no. illuminated play land sign and 38 no. non-illuminated dot signs.

THE SITE AND ITS LOCATION

The application site relates to a disused former restaurant building previously occupied by 'Harvester' which ceased trading at this site in April 2019. The site is situated next to a hotel and both benefit from large car parking areas. The site is adjacent to the M40 junction 15 and is accessed off Stratford Road, the access drive is shared by Longbridge Manor, a Listed Building.

PLANNING HISTORY

Applications for signage associated with previous uses

W/13/0049 Remove existing signage and replace with new branded signage (retrospective) - Granted

W/15/1677 - Display of 2 No Internally illuminated post signs 1 No Internally illuminated set of letters & logo 2 No Non illuminated transom signs - Granted

Associated applications currently under consideration

W/19/1492 - Display of 4 no. internally illuminated fascia signs.

W/19/1473 - Change of use of building from restaurant (use class A3) to mixed-use restaurant (use class A3) and hot food takeaway (use class A5) with alterations to site layout and elevations, reconfiguration of car parking, landscaping and associated works. Installation of drive-thru lane with 2No. COD (Customer Order Display) with associated canopies, playframe and goal post. Erection of new extensions following the partial demolition of existing building.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No comment to make.

Councillor Murphy: Objects on the grounds that the amount of signage is excessive, the signage would be visible outside the site and would be harmful to the street scene.

Public response: One letter of objection has been received on the grounds that the proposed use is inappropriate in this area.

ASSESSMENT

Assessment

The main issues relevant to consideration of this application are:

- Impact on Amenity
- Public Safety

Impact on Local Amenity and Design

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. Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Furthermore, development will not be permitted which has an unacceptable adverse impact on the amenity of nearby

uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development.

Concern has been raised over the impact of the signage on the semi-rural location.

The proposed signage would not be positioned along Stratford Road and is set well into the site boundaries. The application site sits at a lower level to Stratford Road on the approach to the M40 Junction 15 and there also exists a large buffer of trees and vegetation between Stratford Road and the application site, which is to be retained as part of the wider development of the site. Therefore, views into the site from this section of Stratford Road that is immediately opposite the site will be limited. The majority of the views into the site will be from the main access road off Stratford Road. The site is set in from the main entrance by approximately 50 metres with the hotel car park situated between the two. There is a high boundary wall located either side of the main entrance which further restricts views into the site. Therefore, as views of the signage within the site will be limited and will be read at a distance, the signage is not considered to be harmful to the street scene. Officers also note that the adjacent hotel benefits from illuminated signage to the site entrance and elsewhere and so illumination is considered acceptable in this context. The signage is considered to be appropriate for the proposed use, and is considered to be of an appropriate size and scale.

It should be noted that there are a number of DOT signs relating to vehicular and pedestrian movements such as "no entry/pedestrian crossing/give way" signs which have deemed consent and so do not technically require advertisement consent. However, the agent has included them in the application for completeness.

Therefore, whilst Cllr Murphy's concerns are noted, the development is not considered to be harmful in design terms or to local amenity. The development is therefore considered to be in accordance with Local Plan policies BE1 and BE3.

Public Safety

The signage is contained to the site and the car park associated with the existing use. No public safety issues have been identified and it is considered that the proposed signage would not be harmful to public safety.

Conclusion

In the opinion of the Local Planning Authority, the proposals would not detract from the amenity of the area and would not be detrimental to public safety. The proposals are therefore considered to comply with the policies listed.

CONDITIONS

- 6 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 7792-SA-8052-P108 C, ERDDS Banner Unit, Double Digital Menu Board, Single Digital Menu Board, Proposed

Reconnect Screen Details, Pedestrian Crossing, Parking Order Bay sign, Noise Sign, No Entry Sign, Look Both Ways sign, Litter Sign, Give Way Sign, Look Left Sign, Look Right sign, Look Left Traffic Approaching sign, Look Right Traffic Approaching sign, Accessible Parking Bay sign, 10mph Disc sign, and specification contained therein, submitted on 03rd September 2019. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

Extended Delegated Decisions Meeting: 07 August 2020

Application No: [W 20 / 0388](#)

Town/Parish Council: Rowington
Case Officer: Lucy Hammond
01926 456534 lucy.hammond@warwickdc.gov.uk

Registration Date: 09/03/20

Expiry Date: 04/05/20

**Land Adjacent Kingswood Farm, Old Warwick Road, Lapworth, Solihull,
B94 6LX**

Erection of one detached dwelling and garage together with associated parking and landscaping. FOR Mr & Mrs Guest

This application is being presented to the Extended Delegated Decisions Meeting due to the number of objections and an objection from the Parish Council having been received.

RECOMMENDATION

That planning permission be approved subject to the planning conditions listed at the end of this report together with advisory notes in respect of ecological and highways matters.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a two storey detached dwelling with a detached double garage with study in the loft, to the rear. The proposals include landscaping, vehicle access to the rear (south) via the new housing development and a pedestrian access to the front (north) onto Old Warwick Road.

Through the course of the application, the plans have been amended in response to officer comments and by way of a summary these revisions include:

- a reduction in the footprint of the proposed dwelling (by approximately 20%);
- a change in the plan form of the dwelling from 'H-shape' to 'L-shape';
- amendments to elevational treatments, particularly to the elevation facing Kingswood Farm which is now simplified and more modest in scale;
- reduction in the amount of glazing, in favour of more traditional fenestration;
- reduction in the amount of hard landscaping;
- amendments to boundary treatments, in particular the removal of the proposed 1.8m high brick wall along the canal-side boundary and its replacement with more appropriate rural edge post and rail; and
- amendments to soft landscaping together with additional tree and hedge planting now proposed.

THE SITE AND ITS LOCATION

The application site lies adjacent to an existing residential property known as Kingswood Farm, a Grade II listed farmhouse, on the southern side of the Old Warwick Road. It mostly consists of grassland with paddock area and contains a small timber stables building and shed. A small area of the site also presently forms part of the garden area to Kingswood Farm which is within the same ownership.

The site is within the village boundary identified on the Policy Map (29) for Kingswood, which is one of the District's Growth Villages, identified in Table 3 of Policy H1 for the purposes of directing new housing (this is covered in more detail in the principle of development section of this report).

The site lies outside of the West Midlands Green Belt and it is also worth noting that the site lies adjacent to, but outside of, allocated housing site H30 which is the smaller of the two adjoining allocations (H29 + H30) on which planning permission has already been approved for 38 dwellings across both sites and where development is already underway in accordance with this permission.

The site is within the Canal Conservation Area; there are some trees within the site which would need to be removed to facilitate the development but a number of trees which will also be retained along with boundary hedgerows and other landscaping which is already in situ (and can be further supplemented).

The canal towpath and Grand Union Canal adjoins the east/south east sides of the site which is otherwise surrounded by established residential development, with the new A C Lloyd development being constructed to the rear (south west).

The Old Warwick Road in the immediate vicinity of the application site, is characterised by a linear row of two storey dwellings of mixed architectural styles, arranged across a staggered building line; some of older traditional timber framed style, while others are much more recently constructed incorporating the use of more modern bricks as well as infill render panels which are evident in the street scene.

PLANNING HISTORY

There are records of planning applications relevant to the adjacent Kingswood Farm within the last 10 years however these are not directly relevant to the application site. There are no planning records relevant to the site the subject of this current planning application.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS5 - Presumption in Favour of Sustainable Development
- H0 - Housing
- H1 - Directing New Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)

- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- CC1 - Planning for Climate Change Adaptation
- FW1 - Development in Areas at Risk of Flooding
- FW3 - Water Conservation
- HE1 - Protection of Statutory Heritage Assets
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- NE7 - Use of Waterways
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Rowington Parish Council: Objection for the following reasons:

- the impact of the development of the curtilage of the Grade II listed building
- the curtilage of Kingswood Farm has been substantially reduced thus eroding the setting and context of the listed building
- the size and style of the proposed dwelling is not in keeping with the local character or property typology
- the biodiversity loss as highlighted by WCC Ecology
- the impact of this development on the Canal Conservation Area

Canal & River Trust: No objections to the principle of development; recommendations made in respect of the canal-side boundary treatment

Tree Officer: No objection subject to condition

WCC Ecology: No objection subject to conditions and advisory notes

WCC Landscape: Comments regarding the removal of trees along the road frontage boundary and the proposed canal-side boundary treatment

WCC Highways: No objection

Public Response: 9 letters received, objecting on the following grounds:

- impact on the setting of the listed building
- impact on the Canal Conservation Area
- loss of hedgerow
- the proposed pedestrian access is not safe
- vehicle access, via the A C Lloyd development, will add further traffic to an already dangerous access off the Old Warwick Road which is fast
- the proposed building is out of character and not in keeping with the street scene
- the proposal is over intensive for the site
- local infrastructure is already under pressure
- overlooking towards properties on the other side of Old Warwick Road
- loss of trees

- increase in noise

1 neutral letter received making comments in respect of where construction traffic may come from (i.e. through the A C Lloyd development or Old Warwick Road).

ASSESSMENT

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

- The principle of development;
- The impact on the character and appearance of the area;
- The impact on the significance of relevant heritage assets;
- The impact on the living conditions of neighbouring dwellings;
- The provision of an appropriate living environment for future occupants of the proposed development;
- Car parking and highway safety;
- Landscaping and impact on TPO trees; and
- Ecological impact.

Principle of development

Policy H1 of the Warwick District Local Plan 2011-2029 relates to the direction of new housing within the District and sets out where new housing development will be permitted. H1(c) sets out one such circumstance will be within the boundaries of Growth Villages and Limited Infill Villages as identified within the policy and as shown on the Policies Map.

The policy also stipulates that housing development on garden land, in urban and rural areas, will not be permitted unless the development reinforces or harmonises with, the established character of the street and/or locality and respects surrounding buildings in terms of scale, height, form and massing.

Table 3 within Policy H1 sets out the Village Hierarchy and lists the Growth Villages and Limited Infill Villages. Kingswood, where the application site is located, is one of the former and the site is within the identified village envelope as identified on the Policies Map (29).

The principle of new housing development in this location is therefore acceptable, subject to the secondary assessment of the policy provisions being considered acceptable also; i.e. development of garden land reinforcing and harmonising with the established character of the street/locality and respecting the surrounding buildings in terms of scale, height, form and massing. That said, I note that only a small part of the overall site is on garden land while the remainder of the site is in fact paddock land.

Since the site is no longer within the West Midlands Green Belt, there is no need to consider whether or not the development would constitute appropriate or inappropriate development in the Green Belt.

Overall, I am satisfied that the principle of development is acceptable in accordance with Policy H1(c) subject to an assessment being made of the other relevant material planning considerations which are set out below.

Impact on the character and appearance of the area

Policy BE1 of the Warwick District Local Plan 2011-2029 requires new development to positively contribute to the character and quality of its environment through good layout and design. A number of ways through which development proposals can demonstrate they can achieve this would be for them to:

- Harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use;
- Relate well to local topography and landscape features;
- Reinforce or enhance the established urban character of street, squares and other spaces;
- Reflect, respect and reinforce local architectural and historical distinctiveness;
- Enhance and incorporate importance existing features into the development.
- Respect surrounding buildings in terms of scale, height, form and massing;
- Adopt appropriate materials and details;

This is supported by the Council's Residential Design Guide (2018) which contains further design principles that are as relevant for new dwellings as they are for householder extensions insofar as advice regarding architectural detailing, finishes, materials etc is concerned.

The proposed dwelling is two storeys with a ridge height of 8m. The road level slopes upwards and the land is therefore elevated above the neighbouring property, Kingswood Farm, which has a ridge height of approximately 7.5m. However, there is a separation of 29m between the two buildings which would comprise the garden of mostly the new dwelling which is to be retained as heavily vegetated as it is at present, with additional tree planting. I therefore do not consider the increase of half a metre in height, even with the elevated land levels, to be detrimental to the street scene.

The proposed dwelling was subject to pre-application discussions prior to the formal submission of any planning application and during the course of the application, the plans have been further revised in response to officer comments. Notwithstanding the original submission which illustrated a much wider dwelling (18.5m) fronting the Old Warwick Road, the revised proposals now illustrate a more modest two storey property of some 14.6m width addressing the road frontage. The dwelling would have a simple façade, with a porch canopy and gablettes over the first floor windows, creating the impression of a one and a half storey dwelling with rooms partly in the roof space given the alignment of the windows with the eaves height.

On the canal-side, the south-east elevation has been simplified in terms of its design and fenestration; large areas of glazing have been replaced with more traditional casement windows at both ground and first floor while one central full

height glazed aperture now represents the feature window on this elevation which, in my opinion, is not visually harmful on this elevation which looks onto the canal and not immediately onto other properties.

On the elevation looking towards the neighbouring listed building the fenestration is altogether simpler as are the proposed materials which are entirely facing brick, in the same way as the front elevation. A simple open framed porch structure is proposed on this side, similar to the front, giving almost a dual aspect feel to the dwelling; given that vehicular access is proposed from the rear this is a logical addition given its proximity to the proposed car parking area on this side of the house.

The dwelling is an 'L-shape' plan form with a rear projection of some 12.4m, though this rear depth would largely not be visible from the road because it would be obscured by the width of the front range which is wider and presents the simpler, and more traditional dwelling façade which I consider to be wholly in keeping with the street scene.

The street scene is mixed in any case, comprising a mix of detached, semis and terraced properties at this point in the village. I note there is also a mix of red brick, some render, traditional timber framed buildings and painted brick. To that end, I do not consider the proposed dwelling, which, on the north east side to the Old Warwick Road frontage would be facing brickwork and plain clay roof tile, would be out of keeping with the surrounding area.

The proposed detached garage would be largely obscured by the dwelling. Those parts which would be visible from the road, i.e. any glimpsed views of its north east facing elevation, would be set back from the road by over 32m. This elevation would be the gable end of the garage building which would be timber clad with an area of glazing towards the upper half. I consider this to be visually acceptable.

I have considered the overall impact of landscaping separately in the relevant section of this report but for the purposes of the overall design and visual impact suffice it to say that I am satisfied with the removal of the 1.8m high brick wall from the plans along the canal-side boundary and its replacement with a 1.5m high timber post and rail fence, which I consider is much more appropriate to this rural landscape setting and edge of village location.

Overall, I consider the amended plans have addressed any previous concerns that were held in respect of the scale, mass and bulk of the proposed dwelling and the revised proposal now illustrates a suitably sized dwelling in terms of footprint as well as scale and height, which relates well to its surroundings, and which would not result in any visual harm to the general character of the area or sider street scene. Accordingly, I am satisfied that the development accords with Policy BE1 of the Local Plan and the Residential Design Guide.

Impact on the significance of the relevant heritage assets

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making

decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Policy HE1 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

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

This site is situated in 'Length 1: Rowington' of the Canal Conservation Area adjacent to Bridge No 65. The conservation area appraisal document makes reference to the nearby Navigation Inn, Grade II listed Kingswood Farmhouse (adjacent NW) and the junction bridge. This bridge borders the application site and is noted as 'being a good example of the sinuous brickwork form that avoided snagging tow ropes and is a key element of The Functional Tradition celebrated by the work of Eric de Mare and JM Richards for the Architectural Press in the 1950s, that awoke interest in the significance of canal design and construction. Defined as 'that style of design which, though dominated by functional considerations, is remarkable for the wide range and subtlety of its aesthetic effects.' The area surrounding the application site therefore contributes positively towards the overall character and appearance of the canal conservation area.

No objection in principle was raised to the development from the outset, however, there were concerns about the impacts on the significance of the aforementioned heritage assets arising from the scale of the proposed development by reason of its enlarged footprint, excessive hardstanding, boundary treatments and landscaping in general. To that end, amended plans have sought to address these specific heritage concerns and accordingly, the footprint of the dwelling has been reduced by approximately 20%, consequently, the areas of hardstanding within the site have been reduced, the boundary treatment along the canal towpath has been changed entirely and the amount of soft landscaping has been increased where possible.

In light of the revised drawings showing a more appropriate scale of development, there are now no objections from a heritage point of view; the amended proposals

are considered to represent a good balance between contemporary design and traditional characteristics of the area. Similarly, the proposed boundary treatment is now considered an appropriate addition to the canal side, reflecting rural characteristics. In the event that planning permission were to be forthcoming, a condition requiring samples of all facing materials to be submitted for approval would be appropriate to impose.

Overall, I am satisfied that the development, as amended, will not result in any harm to the character or appearance of the Canal Conservation Area, nor will it harm the setting of the Grade II listed farmhouse. As such, Policy HE1 is complied with.

In making this assessment, I have had regard to the weight that should be given to the desirability of preserving the special interest and setting of the heritage assets.

Impact on the living conditions of neighbouring dwellings

Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents. This is supported by the Council's Residential Design Guide (2018) which provides further information in this respect, through, for example, the provision of minimum separation distances and guidance on the 45° guideline for example, to protect against overlooking and potentially overbearing impacts.

In the case of the proposed development, the nearest neighbouring property would be Plot 36 of the A C Lloyd development to the rear, which I note is within the land edged blue on the submitted site location plan and therefore in the same ownership as the application site and Kingswood Farm. This property shares a side to rear relationship with the proposed dwelling and accordingly only requires a 12m separation. The actual separation between the two would be 23m and I am therefore satisfied there would be no harmful overlooking, loss of light or overbearing impacts as a result of the proposal.

The adjacent listed building, Kingswood Farm, would be 29m away from the new dwelling, as measured from the nearest point. On the other side (to the south east) 1 & 2 Grafton Fields are the two nearest properties, though these are separated by the canal and are some 60m from the nearest edge of the new dwelling.

Properties on the opposite side of Old Warwick Road are between 21m and 23m away (front to front relationship) and the minimum separation distance required where properties share such a relationship across a main road will usually be accepted at a reduced distance of 15m in recognition of the fact that privacy at the fronts of dwellings will, by its nature, be diminished further than at the rear where private gardens are typically located. In this case, the main road runs through the centre of the village and cars will be travelling frequently past windows, along with pedestrian and cyclist movements, thus resulting in there being less of a need for the full 22m distance separation between the fronts of dwellings in this kind of location. In any event, I note that the distance broadly satisfies this requirement and accordingly I am satisfied there would be no

opportunity for harmful overlooking from the proposed dwelling as a result of its placement in the proposed location.

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

The provision an of appropriate living environment for future occupants of the proposed development

Policy BE3 states that development will not be permitted that does not provide acceptable standards of amenity for future users and occupiers of the development. This is supported by the Council's Residential Design Guide (2018) which provides further information in this respect, through, for example, the provision of minimum separation distances and minimum standards for outdoor private amenity space.

The separation distances set out in the preceding paragraph demonstrate that the dwelling is very well spaced from its nearest neighbours, such that it would not be detrimental in terms of loss of amenity. For the same reasons, I therefore consider the amenity afforded to its future occupiers would be acceptable insofar as privacy and outlook are concerned.

The dwelling proposed would provide five bedrooms. 4+ bedroom houses are required to provide a minimum garden size of 60m² as set out in the Residential Design Guide. The proposed site plan shows that the new dwelling would sit within a very substantial plot; its garden, excluding the landscaped 'buffer' between it and the listed building, would still exceed 1,000m², thus far exceeding the minimum size requirements.

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

Highway safety, access and car parking

Policy TR1 requires development to provide safe, suitable and attractive access routes, expecting them to demonstrate (inter alia) they are not detrimental to highway safety.

The vehicle access for the new dwelling would be taken via the new A C Lloyd development to the rear (south west) of the site. The vehicle access into this development is taken off the Old Warwick Road approximately 60m further along from the application site, to the north west and would enter the new development, permitted under W/17/1724, turn back on itself towards the application site and enter the new development at the south western boundary, past Plot 36, the nearest neighbouring property to the proposed development.

On entering the site, three parking spaces are proposed against the north west boundary and a detached double garage is proposed opposite (to the south east side of the access). From there, a path leads to the side porch into the dwelling.

A pedestrian access is proposed on the front of the dwelling, which would utilise the same position as the existing five bar gate which opens onto Old Warwick Road. The new gate would be set back into the site a little under two metres from the carriageway edge.

The adopted Parking Standards SPD requires 4+ bed dwellings to have 3 off-road parking spaces. The proposed site plan illustrates that these would be provided within the site and in addition to the 3 spaces, there is a detached double garage opposite, adjacent to which a fourth space is proposed specifically targeted as an electric vehicle charging point. In total, the parking proposed exceeds the parking requirements set out in the SPD and I consider this is acceptable.

The County Highways Authority has raised no objection to the proposal. No new vehicular access is proposed onto Old Warwick Road and the use of the existing access serving the 38-unit development at the rear would not be intensified through the addition of one new dwelling to the point that it would be detrimental to highway safety.

Some local concerns have been expressed about the proposed pedestrian gate onto Old Warwick Road and the lack of a footpath, potentially rendering the pedestrian access unsafe. However, the new gate, which would replace an existing five bar gate which already exists into the site in the same position, is approximately 35m from the canal-bridge, to the south east. Old Warwick Road, at this point, is subject to a 30mph speed limit and there is a footpath directly opposite the site which is continual in both directions for the full length of Old Warwick Road, leading as far as the Navigation Inn public house to the south east side.

Perhaps more importantly, it is worth noting, that if the pedestrian access were used by future occupiers of the new dwelling, the footpath on the opposite side of the road would only need to be used for a very short distance before being able to cross back over onto the south side of the road again, where, in front of Kingswood Farm, there is a footway provision, albeit grassed over, however this connects into a hard surfaced footway shortly thereafter that continues for the rest of the length of Old Warwick Road until beyond the rail bridge, some 300 metres west of the application site. In this respect, the Highway Authority has recommended a condition requiring a crossing point (final wording to be determined prior to the date of the EDD meeting and updated accordingly) and confirmed that as long as this is provided, and visibility maximised by cutting back the hedge, then there will be no issues for the limited amount of use it will generate. Moreover, it will certainly be no different to Kingswood Farm next door.

Overall, I am satisfied, on balance, that the access arrangements for both vehicles and pedestrians are satisfactory and would not compromise highway safety or be detrimental to the safety of motorists, pedestrians, cyclists or any other road users. Moreover, in the absence of an objection from the Highway

Authority, I am satisfied that the development accords with Policies TR1 and TR3.

Impact on trees and landscaping matters

Policy NE4 requires new development to positively contribute to landscape character. Certain ways through which this can be achieved will be for development proposals to demonstrate that they (inter alia):

- considering its landscape context, including local distinctiveness;
- relate well to local topography and built form and enhance key landscape features, ensuring their long term management and maintenance;
- identify likely visual impacts on the local landscape and its immediate setting and undertake appropriate landscaping to reduce those impacts;
- conserve, enhance or restore important landscape features;
- avoid detrimental effects on features which make a significant contribution to the character, history and setting of an asset, settlement, or area;
- address the importance of habitat biodiversity features

There are a number of trees within the site and around the perimeter of the site, together with boundary hedgerows along the roadside boundary to Old Warwick Road, the canal-side boundary and the partial boundary to Kingswood Farm. The roadside boundary hedge is to be retained but some of the trees along this frontage are to be removed. A handful of trees from within the site are proposed for removal to facilitate the development; according to the submitted tree survey all but two (which are Category B) are Category C or U trees and have, on average, between 10 and 20 years estimated remaining contribution.

The Tree Officer has been consulted on the proposals and confirmed that the arboricultural survey prepared by BB Trees in March 2019 met its brief well; it was very thorough and gave comprehensive notes for each individual tree that had been assessed. It was further noted that the report was neutral and uncritical, however, it was also noted that the tree losses shown on the tree retention, protection and removal plan appear to exceed the arboriculturist's recommendations. To that end, an arboricultural method statement will be required that carefully analyses how the proposed development can proceed without causing irrevocable harm to the trees which are to be retained and the areas of land where new trees and shrubs are to be planted. The tree protection plan should unequivocally establish the alignment of the protective barrier fencing by showing offsets from fixed points. I therefore propose to attach such a condition to any forthcoming planning permission.

The site plan has also been revised during the course of the application, not only to reflect changes to the dwelling itself, but also changes to the hard and soft landscaping. The extent of hard surfacing within the curtilage has been reduced so that it no longer dominates the plot and the amount of proposed soft landscaping has been increased thereby supplementing the existing boundary hedgerows and trees which are being retained. The area between the new dwelling and the adjacent listed building is an important landscape buffer which would preserve the setting of the listed building by keeping this area open in nature and verdant in character, i.e. no built form encroaching on what has historically been garden land associated with the listed building.

It is important to note that all areas of existing hedgerow in this part of the site which naturally create delineation between the two properties are to be retained; to that end, the north west corner of the application site spears, on plan, to be 'divided' from the rest of the garden area for the new dwelling by reason of the positioning of the lines of hedging and other vegetation which both exist and would be further supplemented through new planting. In my opinion, I consider this further enhances this part of the site and enriches this landscaped buffer between the two dwellings where there is a natural division between the two curtilages in any case.

On the south east side of the new dwelling the lawned area would be planted with some new trees in addition to the existing trees to be retained. Along the canal-side boundary of the site, there are existing hedges to the canal towpath which would be reinforced with additional planting and a proposed 1.5m high post and rail stock wire fence. This is an appropriate rural edge boundary treatment which still enables and encourages landscaping to grow through.

Subject to the aforementioned condition, I am satisfied that the development is acceptable in respect of its impact on the landscape, both within its immediate context and on the wider surrounding landscape setting. Accordingly, I consider the development accords with Policy NE4.

Ecological impact

A BIA calculation was undertaken by the applicants and submitted with the application at the request of the County Council Ecologist. This was reviewed by the County Council who made some adjustments to it since the proposed habitats would be buildings and garden and this resulted in a biodiversity loss of 0.36 units. In seeking to address this, the County Council advised the difficulty in trying to ensure habitat creation and long term management in a private garden, therefore, the recommendation was for a financial contribution to be secured via a legal agreement.

In having regard to the recommendations of the County Council Ecology team and the justification for them, it is my opinion that the suggested approach of a financial contribution of any sum, least of all one in excess of £20k+, would be neither proportionate to the scale of development which only proposes a single dwelling, nor would it be fairly and reasonably related in scale and kind to the development, which are among the tests set out in paragraph 56 of the NPPF that planning obligations need to meet. Furthermore, financial contributions would not normally be sought on any development proposals of less than ten dwellings.

I am however mindful that there is a biodiversity loss that needs to be addressed. As an alternative means of mitigation therefore, I propose to condition a requirement for an on or off-site scheme of mitigation and it would be for the applicant to submit a scheme to the Local Planning Authority for written approval prior to the commencement of development, which will need to be formally discharged in consultation with the County Ecologist. I have liaised with the County Council regarding this approach and this has been agreed; some further advice has been provided which can take the form of an advisory note on any forthcoming decision notice and this in turn may help inform the applicant

on how to prepare any subsequent discharge of conditions submission in this respect.

The County Council has also recommended other conditions regarding the submission of a CEMP and an advisory note in respect of lighting. Overall I am satisfied that the matter of biodiversity loss can be adequately mitigated through the imposition of conditions and advisory notes and accordingly the development will not result in any harmful biodiversity loss nor will there be any loss to protected species. The development accords with Policies NE2 and NE3.

Other matters

Drainage and flood risk

It is proposed that the development will connect to the drainage system permitted for the residential development to the south of the application site (W/17/1724). Any connections into the mains would be subject to separate negotiations between the applicant and Severn Trent Water in their role as statutory undertakers. Overall, I am satisfied that the application is acceptable in relation to drainage and flood risk matters and accordingly Local Plan Policies FW1 and FW2 are complied with.

Low emissions / Air quality matters

The scheme includes the provision of three electric vehicle charging points; two are situated within the garage and one externally on the side of the proposed garage. The proposals therefore satisfy the type one mitigation measures outlined within the Air Quality SPD.

Waste management

With the replacement gate at the site's frontage being set further in from the carriageway edge, this would create an area in which to accommodate the bin storage space for the requisite number of bins to be stored and presented, kerbside on bin collection day. A timber shed is also proposed to the other side of the dwelling which is annotated on the site plan to accommodate the bins and this would provide ease of access along the pedestrian path to the front gate to wheel bins to the gate. I consider the development is acceptable in this respect.

SUMMARY/CONCLUSION

The principle of development is acceptable having regard to Policy H1(c) and the site's location in a Growth Village, outside the West Midlands Green Belt. The proposals were initially subject to pre-application discussions and during the course of this application, the plans have been further amended to respond to officer concerns about the scale of the proposed dwelling in terms of the footprint, scale, mass and bulk, extent of hardstanding and general landscaping proposals.

The revised plans now illustrate a reduced footprint and propose a two storey detached dwelling, which, from the Old Warwick Road frontage, proposes a

simple and visually in keeping dwelling that is not dissimilar in style and appearance to other dwellings in the street scene.

From a heritage point of view, the revised plans have resolved any conservation concerns that were previously held regarding the overall scale and potential impacts this may have had on the Canal Conservation Area and setting of the adjacent Grade II listed building. The amended proposals now present a more appropriate scale of development which represent a good balance between contemporary design and traditional characteristics of the area.

The amenity for both existing and proposed occupiers of surrounding neighbouring properties and the new dwelling is more than adequate having regard to the standards set out in the SPD.

There would be no detriment to highway safety, having regard to the safety of both vehicles and pedestrians and there is no objection from the Highway Authority. The impact on trees and landscaping is acceptable, as confirmed by the Tree Officer as is the impact on ecology, which is confirmed by the County Council Ecologist and can be adequately mitigated through conditions and notes.

All other matters are deemed acceptable and for these reasons I recommend that planning permission be approved, subject to suitable conditions.

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 3783-11L, 3783-21L, 3783-25E, 3783-26F and 3783-30G and specification contained therein, submitted on 2 July 2020 and 3783-20 Rev.Q and 02 Rev.D and specification contained therein, submitted on 8 July 2020. **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 Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; 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 a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **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 part of the development hereby permitted (including demolition, site clearance or other preparatory works) shall commence until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority, detailing the tree and ground protection measures in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations. The measures set out within the Method Statement must seek to prevent damage or injury to trees or tree roots for the duration of the development, and such approved measures must be fully implemented before any development commences. During the development, the following shall not take place without the prior approval in writing by the Local Planning Authority:

- no excavations, trenches or channels shall be cut or pipes or services laid within the root protection area of any tree,
- no vehicle movement shall be allowed over the root protection area of any tree,
- no equipment, machinery or structure shall be stored within a tree's root protection area,
- no equipment, machinery or structure shall be attached to or supported by a tree,
- no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a tree that seepage or displacement could cause contamination within their root protection area,
- no other work shall be carried out in such a way as to cause damage or injury to a tree by interference with its root structure,
- no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to a tree
- no fires shall be lit within 10 metres of the nearest point of the canopy of any tree

REASON: In order to protect and preserve existing trees within the site which are of amenity value and which would provide an enhanced standard of appearance to the development in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

5 No part of the development, including site clearance works, shall commence until a scheme of mitigation to ensure there is no net loss in biodiversity across the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the County Council Ecologist. The agreed scheme shall thereafter be implemented in full. **REASON:** To ensure that there is no net loss of biodiversity in

accordance with Policy NE3 of the Warwick District Local Plan 2011-2029.

- 6 No development above slab level shall take place 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 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 in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 7 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 . Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, 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/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted . 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 landscape features 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 BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 8 No part of the development hereby permitted, including site clearance works, shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected species and appropriate working practices and safeguards for wildlife, trees and hedgerows and the adjacent canal that are to be employed whilst works

are taking place on site. The agreed Construction Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 9 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.
- 10 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.
- 11 The development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **REASON:** To ensure the satisfactory provision of refuse 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.
- 12 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

- 13 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 adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.
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Extended Delegated Decisions Meeting: 07 August 2020

Application No: [W 20 / 0822](#)

Town/Parish Council: Leamington Spa
Case Officer: Rebecca Compton
01926 456544 rebecca.compton@warwickdc.gov.uk

Registration Date: 05/06/20
Expiry Date: 31/07/20

9 Silver Birch Grove, Leamington Spa, CV31 3QY

Change of Use from Use Class C3 (residential dwelling) to Use Class C4 (5 bed HMO) FOR Mrs Punj

This application is being presented to the Head of Development Services in consultation with the Chair of Planning Committee due to objections from the Town Council and members of the public having been received.

RECOMMENDATION

That planning permission be granted.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the proposed change of use from a single dwelling (Use Class C3) to a five bedroom House in Multiple Occupation (Use Class C4).

The proposal has been amended from a 6 bed HMO to a 5 bed HMO on the grounds that one of the bedrooms did not meet the minimum space standards for a bedroom, which will also be secured via condition.

THE SITE AND ITS LOCATION

The application site relates to a two storey detached dwelling located on Silver Birch Grove, Leamington Spa. The site benefits from front driveway parking and side gate to provide external access to the rear garden. The site is located within an Article 4 Direction which restricts the change of use from C3 residential to C4 small HMOs without prior consent from the Local Planning Authority.

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- H6 - Houses in Multiple Occupation and Student Accommodation
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- [Guidance Documents](#)
- Parking Standards (Supplementary Planning Document)

- Neighbourhood Plan
Royal Leamington Spa Neighbourhood Plan (2019-2029)

- Officer Note - While this is not yet formally made (as it has not yet been through a referendum) the above document has been through its final examination and as such is afforded substantial weight in the decision making process.

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Object on the following grounds:

- Inadequate parking provision
- Smallest bedroom does not meet the minimum size requirement

WCC Highways: No objection.

WDC Environmental Health: No objection.

WDC Private Sector Housing: Commented that the HMO would only be suitable for 5 persons because one of bedrooms is below the statutory minimum (6.51 sq. m) and the communal space undersized for 6 sharers.

WDC Waste Management: No objection.

Public response: 6 objections have been received raising the following concerns:

- Lack of parking and impact on highway safety
- Noise and disturbance from HMO's
- Impact on neighbouring amenity

Assessment

Principle of Development

Whether the proposals would cause or add to a harmful over-concentration of HMOs in this area

Policy H6 of the Local Plan states that planning permission will only be granted for Houses in Multiple Occupation (HMOs) where:-

- a). the proportion of dwelling units in multiple occupation (including the proposal) within a 100 metre radius of the application site does not exceed 10% of total dwelling units;
- b). the application site is within 400 metres walking distance of a bus stop;
- c). the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMOs;
- d). the proposal does not lead to a continuous frontage of 3 or more HMOs; and
- e). adequate provision is made for the storage of refuse containers whereby - the containers are not visible from an area accessible by the general public, and the containers can be moved to the collection point along an external route only.

Assessment:

- a). Within a 100 metre radius there are 7 existing HMOs out of 97 residential units. The existing concentration level is at 7.2%, the addition of one further HMO would increase the concentration to 8.2% which is below the adopted 10% limit of HMOs within a 100 metre radius of the site.
- b). The nearest bus stop is located on St Helen's Road which is within 400 metres walking distance of the property.
- c). The existing property does not sandwich a non-HMO between another HMO.
- d). It does not lead to a continuous frontage of HMOs.
- e). The proposal would retain the existing waste and recycling storage arrangements to the rear of the property. The containers would be stored in an area not accessible by the general public and the bins would be moved outside on collection day.

The proposal would not result in an over concentration of HMO's in this area and so is not considered to have a harmful impact on the amenity of neighbouring properties. The proposal complies with Local Plan policy H6.

Impact on the Street Scene

The proposed change of use includes no external alterations and would have no impact on the street scene.

The proposal is therefore considered to be in accordance with Local Plan Policy BE1.

Impact on neighbouring properties

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 proposal has been amended from a 6 bed HMO to a 5 bed HMO following advice from Private Sector Housing that the smallest bedroom did not meet the minimum space standards and the communal living space was undersized for 6 occupants.

The proposed change of use includes no external alterations. The proposed HMO would provide adequate living conditions for the future occupiers. The site also benefits from a rear private amenity area for the future occupiers which is considered adequate.

A number of neighbour objections have been received raising concerns over noise and disturbance that would arise from the proposed HMO. Environmental Health have been consulted who have raised no objection on the basis that there have been a small number of historic complaints about existing HMO's in the area. The limited intensification of the site is unlikely to lead to significant additional disturbance. In addition, it is noted that the property is detached and located next to a busy main road.

As stated earlier in the report, the proposal does not breach Local Plan policy H6 which seeks to prevent unacceptable adverse impacts on the amenity of neighbouring residents, including noise and disturbance. Policy H6 addresses the impact on neighbouring amenity at a neighbourhood level and a localised level. At a neighbourhood level the proposal does not result in a concentration of HMO's over 10% within a 100m radius of the site and at a localised level the site does not result in the sandwiching of a non-HMO between two HMO's, nor would it result in a continuous frontage of three or more HMO's. Given that the proposal complies with Local Plan policy H6 and Environmental Health raise no objection to the proposal, I am satisfied the proposal would not lead to an unacceptable impact on the amenity of neighbouring residents.

The proposal is therefore considered to be in accordance with Local Plan Policy BE3.

Parking & Highway Safety

Concerns have been raised from the Town Council and local residents regarding parking. The site benefits from front driveway parking with sufficient space to accommodate 2 parking spaces. The existing property is a 5-6 bed roomed dwelling which is required to provide 3 off road parking spaces. The parking requirement for the proposed 5 bed HMO would also be 3 spaces based upon 1 space per two bedrooms as set out in the Parking Standards SPD. Therefore, as there would be no net increase in the number of required car parking spaces and the proposed change of use would not generate additional demand to on-street parking, the proposal is considered to be acceptable. The Highways Authority have been consulted who have raised no objection to the development.

The proposal would therefore be in accordance with Policy TR3 of the Local Plan.

Other matters

The property benefits from a side gate providing external access to the rear garden. Bin and cycle storage can be accommodated in the rear garden. Waste management have raised no objection to the proposal.

Conclusion

The proposed change of use is considered to be acceptable in principle and would not have a harmful impact on neighbouring residential amenity, or the character of the area. The proposed change of use is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved proposed floor plans, and specification contained therein, submitted on 09th July 2020. **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 number of bedrooms in use at the property shall not exceed 5.
REASON: To ensure satisfactory living conditions for occupiers of the dwelling in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
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Extended Delegated Decisions Meeting: 07 August 2020

Application No: [W 20 / 0930](#)

Town/Parish Council: Leamington Spa
Case Officer: George Whitehouse
01926 456553 george.whitehouse@warwickdc.gov.uk

Registration Date: 07/07/20

Expiry Date: 01/09/20

198 Valley Road, Lillington, Leamington Spa, CV32 7SY

Erection of side extension with dormer windows in roof and new porch. Change of use of Highways land to residential. FOR Mr. S. Robins

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

RECOMMENDATION

That the Head of Development Services, in consultation with the Chair of Planning Committee, grant planning permission subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a full height side extension with dormer to match the original roof and also the change of use of highways land (to the side of the property) to residential.

THE SITE AND ITS LOCATION

198 Valley Road is a detached dwelling with dormer windows built into the roof. The property sits on the corner of Valley Road and Aintree Drive but is set back from the corner which is screened with mature fir trees. It has been demonstrated that the land between the rear garden boundary wall and the fir trees is within the applicant's ownership, has no highway benefit and therefore makes up part of the front and side garden.

Notwithstanding this information however, this land in question is also adopted highways land hence the requirement for a change of use which is why this re-submitted application includes this element of development within the description of the proposals.

PLANNING HISTORY

W/20/0240 - Erection of side extension with dormer windows in roof and new porch – Withdrawn by applicant

RELEVANT POLICIES

- National Planning Policy Framework
 - Warwick District Local Plan 2011-2029
 - BE1 - Layout and Design
 - BE3 - Amenity
 - NE2 - Protecting Designated Biodiversity and Geodiversity Assets
 - TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
 - TR3 - Parking (Warwick District Local Plan - 2011-2029)
 - Guidance Documents
 - Residential Design Guide (Supplementary Planning Document- May 2018)
 - Parking Standards (Supplementary Planning Document)
 - The 45 Degree Guideline (Supplementary Planning Guidance)
- Royal Leamington Spa Neighbourhood Plan (2019-2029)

- Officer Note - While this is not yet formally made (as it has not yet been through a referendum) the above document has been through its final examination and as such is afforded substantial weight in the decision making process.
- Housing Design

SUMMARY OF REPRESENTATIONS

Leamington Spa Town Council: The Town Council wishes to submit a holding objection to this application until comments from Highways are received regarding vehicular and pedestrian safety issues.

The Town Council also wishes to maintain two of its grounds from its earlier objection to application W/20/0240 regarding 1) highway safety potentially being compromised by visibility issues; and 2) the development is contrary to the WDC Residential Design Guide in that the side extension would substantially reduce the openness of the corner plot.

Warwickshire County Council Highways: No objection subject to conditions

Warwickshire County Council Ecology: Recommended notes relating to protected species.

Public: 8 letters of objection received (2 from outside of the district), citing highway safety and impact on amenity as reasons for objection.

3 letters of support received which do not cite any material planning considerations as to why.

ASSESSMENT

Design and visual impact

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that

relates well to the character of the area. This is further supported through additional guidance set out in the Council's adopted Residential Design Guide (2018) which provides certain principles, particularly in respect of side extensions, which are generally expected to be adhered to in order to ensure appropriate standards of development are achieved.

Neighbourhood Plan policy RLS2 details that planning proposals for new housing development will be required to achieve good design. They should function well for all by being Lifetime Homes and make a positive contribution to the quality of the built environment in Royal Leamington Spa.

The proposed extensions comply with the aforementioned Residential Design Guide and would not negatively impact the street scene. The extension would be set down, set back and would not come forward of the general building line in Aintree Drive. I consider the proposals also improve the character and quality of the dwelling, reaffirming the likelihood that it will remain as a lifetime home. In addition to this, having regard to the existing site characteristics, it is considered that the character of the corner plot would remain no less open than existing and I am therefore not of the opinion that the 'openness' of this corner plot would be affected by the proposals. In drawing this conclusion, I would pay particular regard to the fact that this corner is already in effect almost closed off by the mature trees which border this part of the site.

It is considered Local Plan Policy BE1, Neighbourhood Plan Policy RLS2, and the Council's adopted Residential Design Guide are all complied with.

Impact on the amenity of neighbouring occupiers

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide provides a design framework for Policy BE3 and states that extensions should not breach a 45 degree line taken from the nearest habitable room of a neighbouring property. Compliance with this would generally indicate no material harm in terms of loss of light or outlook.

The proposals comply with the 45-Degree Guideline and the Distance Separation Guidelines. There have been objections received from neighbours regarding overlooking but it is not considered that the extension could overlook the additional private amenity areas of any neighbour that the existing dwelling already overlooks. In addition to this the room at the rear of the extension is a bathroom and the window in question will likely be obscure glazed and therefore it is not considered that the extension will result in any additional overlooking than the current layout.

Therefore, I am satisfied that the proposals would not result in any harm to the living conditions of nearby neighbouring properties and accordingly the development is acceptable in this respect and in accordance with Local Plan Policy BE3.

Impact on highway safety and parking

Members of the public have objected on highway safety and parking grounds.

Giving weight to the distance from the proposed extension to the highway, the wider than average footpath, especially on the corner and the fact that mature fir trees already block views around the corner, it is not considered that the extension will have any additional impact on highway safety especially since this will be screened by the mature trees. Even if the trees were removed in the future, since the proposed extension is set back from the original dwelling and does not come forward of the building line of Aintree Drive, the extension would not result in reduced visibility around this corner.

With regard to parking, three spaces would be accommodated on the site's frontage as shown on the site plan. The number of bedrooms would increase from 4 to 5 under this proposal. Under the adopted parking standards 4+ bed dwellings are required to have 3 spaces with no additional requirement to be provided on site when the number of bedrooms for a dwelling increase above 4. The proposals therefore meet the parking standards and the development is acceptable in this regard.

The Highway Authority does not object to the proposals subject to a condition requiring the laying out of the parking area as shown on the approved plans prior to the occupation of the development.

It is considered the proposals comply with local plan policies TR1, TR3 and the Council's adopted Parking Standards SPD.

Ecology

The County Ecologist has raised no objection to the development and recommended advisory notes to be attached to any forthcoming permission. These would relate to bats and nesting birds in the event planning permission were approved. The development therefore complies with Policy NE2.

Other matters

The single storey rear extension shown on the plans complies with the limitations of permitted development and therefore this element has not been considered under this planning application.

Summary

It is considered that the proposals comply with Local Plan Policies BE1, BE3, TR1, TR3, NE2, Neighbourhood Plan Policy RLS2 and the Councils adopted Residential Design Guide and Parking Standards SPDs. It is therefore recommended that planning permission is granted subject to conditions and advisory notes.

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 3922-02D, and specification contained therein, submitted on 19/07/2020. **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 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON**: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 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 available for such use at all times. **REASON**: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.
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