

Planning Committee Wednesday 13 December 2023

A meeting of the above Committee will be held at Shire Hall, Market Place, Warwick on Wednesday 13 December 2023, at 6.00pm.

Councillor A Boad (Chairman)
Councillor N Tangri (Vice Chairman)

Councillor M Collins
Councillor L Cron
Councillor R Dickson
Councillor B Gifford
Councillor M Luckhurst
Councillor R Margrave

Councillor R Noonan
Councillor P Phillips
Councillor J P Sullivan
Councillor L Williams
Labour Vacancy

Emergency Procedure

At the commencement of the meeting, the emergency procedure for Shire Hall will be announced.

Agenda Part A – General

1. Apologies & Substitutes

- (a) to receive apologies for absence from any Councillor who is unable to attend; and
- (b) to receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

2. Declarations of Interest

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be disclosed during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. **Site Visits**

The Chairman to report the location of the planning application sites visited and the names of the Committee Members who attended.

4. **Minutes**

To confirm the minutes of the Planning Committee meeting held on 16 August 2023.
(Pages 1 to 17)

Part B – Planning Applications

To consider the following reports from the Head of Place, Arts and Economy:

5. **W/23/0364 – Euro Garages, Stratford Road, Warwick (Pages 1 to 19)**
6. **W/23/1048 -Stoneleigh Arms, 31 Clemens Street, Royal Leamington Spa (Pages 1 to 27)**
7. **W/23/1108 – 41 Portland Street, Royal Leamington Spa (Pages 1 to 7)**
****WITHDRAWN FROM AGENDA****
8. **W/23/1109/LB – 41 Portland Street, Royal Leamington Spa (Pages 1 to 7)**
****WITHDRAWN FROM AGENDA****
9. **W/23/1411 – Town Hall, Parade, Royal Leamington Spa (Pages 1 to 4)**
10. **W/23/1460 – Abbey Fields, Swimming Pool, Bridge Street, Kenilworth (Pages 1 to 18)**

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting by attending the meeting in person on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at [Speaking at Planning Committee](#) any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the

application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

Published Tuesday 5 December 2023

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For enquiries about specific reports, please contact the officers named in the reports. You can e-mail the members of the Committee at planningcommittee@warwickdc.gov.uk

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Planning Committee

Minutes of the meeting held on Wednesday 16 August 2023 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors R Dickson, Dray, B Gifford, Luckhurst, Margrave, Matecki, Phillips, Sinnott and Sullivan.

Also Present: Civic and Committee Services Officer – Patricia Tuckwell; Legal Advisor – Sue Mullins; Business Manager – Rob Young; Planning Officer – Millie Flynn; and Planning Assistant – Thomas Senior.

46. **Apologies and Substitutes**

- (a) Apologies for absence were received from Councillors Cron, Tangri and Williams; and
- (b) Councillor Matecki substituted for Councillor Noonan.

47. **Declarations of Interest**

Minute Number 51 – W/23/0523 – Cherry Apple Cottage, Warwick Road, Leek Wootton

Councillor Dickson declared an interest because he knew a resident in a neighbouring property.

Councillor Dray declared an interest because the application site was within her Ward.

Minute Number 52 – 19 Frances Avenue, Warwick

Councillor Gifford declared an interest because he knew one of the objectors, who had telephoned him., He explained to the objector that he was a member of the Planning Committee and did not discuss the application.

48. **Site Visits**

To assist with decision making, Councillor Dickson made an independent site visit to W/23/0523 – Cherry Apple Cottage, Warwick Road, Leek Wootton and did not speak to anyone whilst he was there.

49. **Minutes**

The minutes of the meeting held on 20 June 2023 and 18 July 2023 were approved and signed by the Chairman as a correct record.

50. **W/23/0222 – 42 Leam Terrace, Royal Leamington Spa**

This application was withdrawn from the agenda and was therefore not considered by Members.

PLANNING COMMITTEE MINUTES (Continued)

51. **W/23/0523 – Cherry Apple Cottage, Warwick Road, Leek Wootton**

The Committee considered an application from Ward Burges Limited for the erection of one four-bedroom dwellinghouse and associated external works.

The application was presented to Committee because of an objection from Guys Cliffe and Leek Wootton Parish Council had been received.

The officer was of the opinion that the proposed dwelling was acceptable in principle and of an acceptable standard of design which would not cause unacceptable harm to the surrounding street scene. The proposal would not result in an unacceptable adverse impact on the amenity of neighbouring uses by reason of overbearing effect, loss of light or privacy. There was also an acceptable impact on the amenity of future occupiers. The proposal was therefore considered to comply with the policies mentioned in the report. It was recommended that the application should be approved subject to conditions.

An addendum was circulated at the meeting which advised of five additional conditions.

The following people addressed the Committee:

- Councillor Eldridge, Leek Wootton Parish Councillor, objecting; and
- Mr Burges, supporting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Matecki and seconded by Councillor Gifford that the application should be granted.

The Committee therefore

Resolved that W/23/0523 be **granted**, subject to the following conditions:

- | No. | Conditions |
|------------|---|
| (1) | the development hereby permitted shall begin no 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, approved drawings 22.016-08D, 22.016-07B, submitted on 01/06/2023 and specification contained therein and approved drawing 22.016-03K submitted on 28/07/2023 and specification contained therein. |

PLANNING COMMITTEE MINUTES (Continued)

No.

Conditions

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) notwithstanding details contained within the approved documents, prior to commencement of development (within its relevant phase), a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include:
- a) how the development will reduce carbon emissions and utilise renewable energy;
 - b) measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
 - c) how proposals will de-carbonise major development;
 - d) details of the building envelope (including U/R values and air tightness);
 - e) how the proposed materials respond in terms of embodied carbon;
 - f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised; and
 - g) how the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading.

For the avoidance of doubt, the scheme must accord with any relevant Development Plan Document and Supplementary Planning Document relating to sustainability which has been adopted by the Council at the time the scheme is submitted.

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
|------------|---|
| | <p>No dwelling/ building shall be first occupied until the works within the approved scheme have been completed 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.</p> <p>Reason: To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019);</p> |
| (4) | <p>no development shall take place until:</p> <ul style="list-style-type: none">a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority;b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority; andc) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation. |

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

Reason: In order to ensure any remains of archaeological importance, which help to

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
|------------|---|
| | increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029; |
| (5) | no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; |
| (6) | 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; |
| (7) | the dwelling hereby permitted shall not be occupied unless and until the car parking provision for that dwelling has been constructed or laid out, and made available for use by the occupants and / or visitors to the dwelling and thereafter those spaces shall be retained for parking purposes at all times. |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
|------------|---|
| | Reason: To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029; |
| (8) | the development hereby permitted shall not be occupied unless and until: <ul style="list-style-type: none">a) details of biodiversity enhancements to achieve a net gain in biodiversity have been submitted to and approved in writing by the local planning authority; andb) the biodiversity enhancement measures approved under (a) have been completed in strict accordance with the approved details, with the exception of any planting, which must be completed within the first planting season following first occupation. |

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

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

- (9) prior to the occupation of the dwelling hereby permitted, one 16amp (minimum) electric vehicle recharging point shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded).

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
|------------|--|
| | <p>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;</p> |
| (10) | <p>the development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and 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.</p> <p>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;</p> |
| (11) | <p>the existing trees and shrubs indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted. Any trees or shrubs removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
|------------|--|
| | <p>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 trees and shrubs of the same size and species as that originally planted. All trees and shrubs 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).</p> <p>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;</p> |
| (12) | <p>the development hereby permitted shall not commence unless and until the tree protection measures in the Arboricultural Impact Assessment report from Higginson Associates dated March 2023 have been implemented in strict accordance with the approved details. The approved measures shall remain in place for the duration of construction works.</p> <p>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;</p> |
| (13) | <p>no development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details.</p> <p>Reason: To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.	Conditions
	Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
(14)	prior to the occupation of the development hereby permitted, the first floor windows in the north and south facing elevations shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times.
	Reason: To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.

52. **W/23/0807 – 19 Frances Avenue, Warwick**

The Committee considered an application from Bhambra for the erection of single storey side extension.

The application was presented to Committee because of the number of objections received.

The officer was of the opinion that the proposal was considered to constitute good quality design and had an acceptable impact on the amenity of the neighbours and the current and future occupiers of the dwelling. The development was considered to pose a low risk to protected species. The proposals were in accordance with the policies mentioned in the report. It was therefore recommended that the application should be approved.

An addendum circulated at the meeting advised that an objector had reiterated concerns relating to the fact that the proposed extension would be located on the boundary between 19 Frances Avenue (application site) and 11 Mercia Way and sought confirmation as to how the proposed extension would be developed without requisite foundations, guttering or roof coverings incurring onto the land of 11 Mercia Way. Officers confirmed to the objector that this issue was not a material planning consideration and instead would be governed by the Part Wall Act, over which the Council had no jurisdiction.

Ms E Bromley addressed the Committee on behalf of Ms L Bromley, speaking in objection to the application.

In response to questions from Members, the Planning Officer stated that an additional condition to clarify hours of work could be imposed.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report, presentation, information contained in the addendum and the representation made at the meeting, it was proposed by Councillor Dickson and seconded by Councillor Phillips that the application should be granted.

The Committee therefore

Resolved that W/23/0807 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|--|
| (1) | the development hereby permitted shall begin no 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) PL02B, and specification contained therein, submitted on 25/07/2023.

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (3) | 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; and |
| (4) | additional condition imposing the standard hours during which any building work must take place. |

53. W/23/0239 – Land at Field Close, Royal Leamington Spa

The Committee considered an application from Trio Square Limited for the erection of one dwelling.

The application was presented to Committee because of the number of objections received including an objection from Royal Leamington Spa Town Council.

PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that the proposed dwelling was acceptable in principle and was of an acceptable standard of design which would not cause unacceptable harm to the surrounding street scene. The proposal would not result in an unacceptable adverse impact on the amenity of neighbouring uses by reason of overbearing effect, loss of light or privacy. There was also an acceptable impact on the amenity of future occupiers. The proposal was therefore considered to comply with the policies stated in the report. It was recommended that the application should be approved.

An addendum circulated at the meeting advised of a typing error in the report. Under the sub-heading "Proposed Living Conditions for The Future Occupiers" (page 5), the report stated that the proposed dwelling would contain five bedrooms, when it was three bedrooms.

Following consideration of the report, presentation and the information contained in the addendum, it was proposed by Councillor Matecki and seconded by Councillor Luckhurst that the application should be granted.

The Committee therefore

Resolved that W/23/0239 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|--|
| (1) | the development hereby permitted shall begin no 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) 10106.01, 10106.02, 23-01-201-P0, 23-01-202-P0, 23-01-203-P0, D47139/PMU/C and 23-01-111-P2 submitted on 16th February 2023 and 23-01-112-P3 submitted on 13th April 2023 and specification contained therein.

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (3) | no part of the development hereby permitted shall be commenced until a scheme for the provision of two suitable nesting boxes for swifts to be erected on buildings within the site and details for the provision of hedgehog access features within proposed site fencing has been submitted to and approved in writing by the Local Planning Authority. The |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	scheme to include details of box type, location of features on site plans and elevations, and timing of works. The platform(s)/box(es) and access features shall be installed prior to first occupation and thereafter maintained in perpetuity.

Reason: In accordance with NPPF, ODPM Circular 2005/06;

(4) notwithstanding details contained within the approved documents, prior to commencement of development (within its relevant phase), a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include:

- a) How the development will reduce carbon emissions and utilise renewable energy.
- b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures.
- c) Details of the building envelope (including U/R values and air tightness).
- d) How the proposed materials respond in terms of embodied carbon.

For the avoidance of doubt, the scheme must accord with any relevant Development Plan Document and Supplementary Planning Document relating to sustainability which has been adopted by the Council at the time the scheme is submitted.

No dwelling/ building shall be first occupied until the works within the approved scheme have been completed 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 in accordance with Policy CC1 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019);

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| (5) | <p>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.</p> <p>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;</p> |
| (6) | <p>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.</p> <p>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;</p> |
| (7) | <p>prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh.</p> |

PLANNING COMMITTEE MINUTES (Continued)

No. **Condition**
Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded).

Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document;

- (8) the development shall not be occupied until the existing footway along Harbury Lane has been extended to the application site access, in general accordance with drawing no. 18443-01 Rev. A, and constructed to the specification of the Highway Authority.

Reason: In the interests of highway safety;

- (9) the development hereby permitted shall be carried out strictly in accordance with the mitigation proposals as set out in the 'Remediation Strategy: Report BRD3112-OR2-B produced by BRD Environmental Limited and dated August 2020'. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the remediation strategy). This addendum to the remediation strategy statement must detail how this unsuspected contamination shall be deal with.

Upon completion of the measures detailed in the remediation strategy a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved remediation strategy. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: To safeguard health, safety and the environment in accordance with Policies BE3

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(10)	<p>and NE5 of the Warwick District Local Plan 2011-2029; and</p> <p>the development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been constructed or laid out in strict accordance with the approved plans and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development.</p> <p>No dwelling shall be occupied unless and until it has been provided with the appropriate refuse containers necessary for the purposes of refuse, recycling, and green waste, in accordance with the Council's specifications.</p> <p>Refuse and recycling storage containers must be stored within the refuse and recycling storage area shown on the approved plans, unless when being presented on street for collection facilities.</p> <p>Reason: To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.</p>

54. **W/23/0639 – 5 Mulberry Drive, Warwick**

The Committee considered an application from Mr Murphy for the erection of single storey side and rear extension.

The application was presented to the Committee because the applicant was an employee of Warwick District Council.

The officer was of the opinion that the proposal constituted good design and had an acceptable impact on amenity. The development was considered to comply with the policies stated in the report and should be recommended for approval.

Following consideration of the report and presentation, it was proposed by Councillor Gifford and seconded by Councillor Matecki that the application should be granted.

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/23/0639 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|--|
| (1) | the development hereby permitted shall begin no 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); and

- | | |
|-----|--|
| (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) M2305_PL_DRG_0001, and specification contained therein, submitted on 28/04/2023. |
|-----|--|

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

55. W/23/0760 – 38 Cobden Avenue, Royal Leamington Spa

The Committee considered an application from Mr Grudzinski for the change of use from a four-bed dwellinghouse (Use Class C3) to a four-bed House in Multiple Occupation (Use Class C4).

The application was presented to the Committee because of the number of objections received.

The officer was of the opinion that the proposed change of use was acceptable in principle and would not have a harmful impact on neighbouring residential amenity, or the character of the area. There would be no increased demand for parking as a result of the change of use. It was therefore recommended that the proposed change of use should be approved.

Following consideration of the report and presentation, it was proposed by Councillor Matecki and seconded by Councillor Phillips that the application should be granted.

The Committee therefore

Resolved that W/23/0760 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|--|
| (1) | the development hereby permitted shall begin no later than three years from the date of this permission. |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); and |
| (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) 2306/1/A, and specification contained therein, submitted on 4th July 2023. |
| | Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029. |

56. **Appeals Report**

The appeals report was noted.

(The meeting ended at 7.40pm)

CHAIRMAN
13 December 2023

Application No: [W 23 / 0364](#)

Town/Parish Council:	Warwick	Registration Date:	08/03/23
Case Officer:	Adam Walker	Expiry Date:	03/05/23
	01926 456541		adam.walker@warwickdc.gov.uk

Euro Garages, Stratford Road, Warwick, CV34 6AT

Demolition of the existing development and erection of a Petrol Filling Station with an Ancillary Food Retail Shop and creation of 4no. rapid Electric Vehicle Charging Points, along with air and water bays. FOR EG Group

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

The application was deferred at the previous Planning Committee (November 2023). The application was deferred in order to enable:

- i. Further clarity to be provided on proposed noise attenuation measures and their benefits, including the extent and detail of the proposed acoustic fence;
- ii. Consideration to be given to exploring further opportunities for additional or extended noise attenuation measures;
- iii. Further clarity to be provided on the requirements of proposed condition 8 in non-technical language;
- iv. Clarification of the position regarding ecology;
- v. The applicant to provide any further information or clarification on lighting proposals for the site
- vi. Clarification of the tracking details for vehicles entering the site from both directions and the Highways Authority position on this aspect.

The assessment provided within this report has been updated to reflect the above.

RECOMMENDATION

Planning Committee is recommended to GRANT planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The application proposes the demolition of all existing buildings on the site and erection of a larger retail unit, a canopy area over six fuel pumps as well as the

introduction of four EV charger points and associated plant structures to the south of the site.

THE SITE AND ITS LOCATION

The property is an established petrol filling station (PFS) which includes a forecourt area with petrol pumps and canopy, a single storey retail kiosk, a car wash and a three-bay workshop, which is used for ancillary storage by the PFS.

There is a private access track behind the site, accessed between the site and No. 46 Stratford Road on the north side.

PLANNING HISTORY

W/10/0557 - Erection of replacement petrol filling station, with canopy, ancillary sales kiosk, car wash, 2 no. jet washes and air, water and vacuum equipment, ATM - Refused and dismissed at appeal

RELEVANT POLICIES

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- TR1 - Access and Choice
- TR3 - Parking
- TC2 - Directing Retail Development

Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)
- National Planning Policy Framework
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection (initial objection removed following a review of the planning committee report published for the October meeting)

Environmental Health Officer: No objection, subject to conditions.

Highways Authority: No objection – The parking provision is considered acceptable. Conditions requested relating to public highway foot crossings and parking provision laid out as shown in the proposed plans.

WCC Ecology: No objection, subject to conditions regarding supervision of demolition, submission of a detailed schedule of habitats and species enhancements measures and nesting birds as well as a note regarding protection of hedgehogs.

WCC Landscape: No objection following amendments.

Planning Policy: No objection – guidance provided and discussed below.

Cllr Daniel Browne: Objection

- Noise and light pollution due to 24 hour opening hours from vehicles, people using the shop and the electricity sub-station.
- Loss of privacy at neighbouring properties
- Insufficient parking on the site leading to roadside parking, which is unsafe on a busy road.
- Insufficient parking in the parking area to provide for parking for users of the proposal.
- Loss of trees.
- Increase in traffic, resulting in traffic jams.
- Impact on local businesses, such as those on Shakespeare Avenue.
- The development is too big for the size of the site.

Public Response: 13 received (7 objections, 6 in favour) raising the following issues:

Objections:

- Over development of the site
- Insufficient parking provision proposed – cars already park on the pavement outside the PFS and this will likely worsen the situation. 2 parking spaces are used by employees
- There are additional EVCPs in the area
- The building would inhibit a clear view of the pavement, endangering pedestrians
- The substation would result in noise disturbance
- Noise disturbance and disruption from people using the site, charging their cars and deliveries
- Lack of toilet facilities
- Impact on the local shops at Shakespeare Avenue / Chase Meadow
- Increased traffic
- The workshop and site has been deliberately left to deteriorate and become derelict
- The site is surrounded by housing on three sides
- The PFS would become ancillary to the shop
- Eurogarages have not maintained the existing site
- Impact on neighbour privacy and daylight
- Disturbance from existing and proposed lighting
- The car wash currently forms a noise barrier to neighbouring dwellings and will be removed
- Impact on wildlife

Supportive:

- Improved appearance of the site
- Greener travel infrastructure
- A safer layout of the site is proposed
- Jobs maintained for the shop
- Landscaping and fencing around the site would create more privacy for neighbour
- Proposal would improve the facilities for EV drivers living in Warwick as well as visitors to the town
- There is a need to provide the latest EV technologies to deliver fast charging facilities
- Development will improve the look of the site with the demolition of a disused building and an outdated shop
- There is a need for toilets for those charging their vehicles
- If Warwick wants to support the move to EV and continue to support the tourism sector this update to the site required

ASSESSMENT

The application was deferred at the previous committee meeting for further information and clarification to be provided to members in relation to noise, external lighting, ecology and highway matters. The original assessment has been updated and incorporates responses to the reasons for the deferral.

Site history

There has been a garage on the site since before 1948 and the site has been redeveloped on a number of occasions. A scheme for a larger shop and additional features including a car wash was refused planning permission in 2010. The application was refused for two reasons. The first reason for refusal related to the scale of the shop not being ancillary and the resulting impact on the commercial vitality and viability of the nearby Shakespeare Avenue local shopping centre and on the completed local centre for the South West Warwick development area. The second related to the inadequate amount of on-site parking, compared with the adopted SPD on vehicle parking standards.

There was subsequently an appeal, which was dismissed by the Planning Inspectorate on the grounds that the shop was not ancillary. The Inspector also concluded that there would not be any harmful impact in terms of disturbance or inconvenience to nearby residents as a result of the parking provision.

Principle of development

Local Plan Policy TC2 (Directing Retail Development) directs new development towards retail areas defined in the Policies Map and takes a sequential approach, requiring that locations are considered in the following order:

A) sites and buildings within the defined retail areas of the town centres;

- B) then sites on the edge of the retail areas;
- C) then out-of-centre sites.

Where sites on the edge of the retail areas are considered, preference will be given within each category to accessible sites that are well connected with the retail area. Evidence of the impact on the retail area will be required where the proposal is above 500 sq. m gross floorspace.

The proposal includes an increase in floor space from 73sq.m to 198sq.m. Whilst this is a substantial increase in retail area, it still falls well below the threshold of 500sq.m set in Policy TC2 which would trigger the requirement for a retail impact assessment.

Turning to the issue of the sequential test, the proposed business model is for a PFS with ancillary retail floor space. The proposed amount of retail floor space is considered to be proportionate for this type of development and the trading characteristics of the business model are such that there is a specific locational requirements for the proposed retail element. As such, it would not be reasonable to seek to disaggregate the retail floor space from the remainder of the business. On this basis, Officers accept that there would be no sequentially preferable sites within nearby centres.

It is worth noting that there have been changes to the relevant national guidance since the refusal of the previous planning application (W/10/0557). In 2011, at the point that the appeal was dismissed, the relevant guidance (PPG6) stipulated that retail uses in conjunction with petrol stations should be 'ancillary' to the main use. This guidance was withdrawn in 2013 and sequential tests and, where relevant, retail impact assessments are now the 'measure' in these circumstances. As discussed above, there is no requirement for a retail impact assessment and it is accepted that there are no sequentially preferable sites. The application is therefore considered to be acceptable in this regard.

The proposal includes the demolition of a service garage on the southern side of the site. The mechanics garage falls within use class B2, which LP Policy EC3 (Protecting Employment Land and Buildings) seeks to retain. The applicant has stated that the site has been under their ownership since 2007 and it has never been sublet or used for any other purpose, instead being used for storage purposes by those operating the PFS. This is also stated by members of the public, who have commented that the garage is disused and unkempt.

The applicant purchased the site 16 years ago, since which time the use of the garage building has been ancillary storage to the main *Sui Generis* use of the site. The officers' report for application W/10/0557 also refers to the operation of the garage in the past tense, whilst Google mapping imagery dating back to 2008 indicates that the building has not been in active use over that period, which supports the applicant's assertion.

The change of use of the garage is therefore considered to have taken place over 10 years ago and is immune from enforcement action. It is therefore considered

reasonable to assess the current use of the building as ancillary to the main *Sui Generis* use, with no loss of employment buildings resulting as part of the proposal.

The proposal is considered to comply with LP Policy TC2 and is considered acceptable in principle.

Impact on the character and appearance of the area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

Policy NE4 of the Local Plan requires new development to positively contribute to landscape character. Landscaping details have been submitted with the application and these have been amended where practical to address the comments received from WCC Landscape.

The surrounding area is predominantly residential in character, mainly consisting of two storey semi-detached housing. However, opposite the site is a modern car sales showroom, which was recently occupied by KIA motors.

The existing development of the site has taken place sporadically over the years, resulting in a mix of buildings of varied designs and forms. The existing site is generally not considered to be beneficial to the character of the surrounding area.

The proposal would replace the existing PFS canopy, single storey retail kiosk, car wash and a three-bay workshop with a contemporary mono-pitch roofed retail building and a PFS canopy of smaller footprint. Although the retail unit would be larger in footprint than that existing, the proposal would result in a reduction in development footprint across the site as a result of the removal of the car wash and the mechanics garage. There would also be a reduction in the area covered by the canopy.

The proposed PFS shop would project further towards the road than the existing shop. However, the existing building already projects significantly forward of the building line to the north and it is not considered that extending the shop closer to the road would result in an overly prominent or incongruous development. The shop would be lower in maximum height than that existing and would replace it with a modern, contemporary structure which would be more akin to the car showroom opposite. Whilst the canopy would increase in height to allow for taller

vehicles, its footprint would decrease and it would not appear overly dominant when compared with existing development on the site.

The timber and composite cladding proposed for the retail unit is contemporary in its design, with a simple palette of materials, including a relatively large area of glazing. The PFS canopy includes thin vertical supports and low-profile soffits, resulting in a visually lightweight structure. Subject to a condition requiring submission of samples of materials, it is considered that the proposal would be acceptable in terms of its impact on the character and appearance of the area.

The proposal includes four EV charging spaces and charging stations on the south boundary of the site and associated substation and EV cabinet to the east of them. The structures would not be excessive in scale and would be partially hidden in the street scene by a hedge which would separate them from the street. It is considered that this would ensure a satisfactory appearance and increase landscaping to this corner of the site.

Additional landscaping would be provided by a hedge along the south boundary, a section of native shrub planting in the south west corner and a larger area of planting with boundary hedge on the north boundary. It is considered that this provides adequate soft landscaping across the site and following amendments, the landscape officer had no objection to the proposal.

The noise report submitted by the applicant indicates that a 2.7m high barrier would be required to mitigate any harm to adjacent neighbours in terms of noise impacts. This is considered acceptable in terms of appearance due to the commercial nature of the site and the existing boundary fencing, with further details of appearance required prior to commencement of development through attachment of a suitably worded condition.

Overall, it is considered that the proposal would improve the character and appearance of the area, which has been mentioned in a number of supportive comments from members of the public. It is therefore considered that the proposal complies with the above stated policies.

Impact on residential amenity

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. Development should not cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

The Residential Design Guide SPG provides a framework for Policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45-degree line taken from a window of the nearest front or rear facing habitable room of a neighbouring property. Breaches of the 45 degree line which occur at a distance of 8m or more will generally be considered not to result in material harm to light and outlook.

Neighbouring properties consist of dwellings on the north, south and west boundaries.

Noise

The hours of use of the existing PFS are not restricted by condition and it currently operates 24 hours a day, 7 days a week. As such, the existing situation results in a degree of noise disturbance.

The removal of the existing car wash facilities would provide some noise benefits to local residential properties. However, the proposed electric vehicle charging (EVC) points and associated sub-station would be situated in close proximity to the residential boundary of 58 Stratford Road, as would air and water stations. Concerns were initially raised by the Environmental Health Officer (EHO) regarding noise made by the charging and air and water facilities, as well as noise made by those using those facilities, such as stereo noise and loud conversation, especially in the night-time hours. Due to these concerns, a noise assessment report was requested to demonstrate that these elements of the proposal would not have an adverse impact on residential amenity. The noise assessment report proposes mitigation in the form of a 2.7m high acoustic fence. The proposed fence fully encloses the site on three sides; it is only the site frontage that would not include the fencing. The proposed fencing runs along the full length of the boundary with No.58 Stratford Road which lies to the south and would therefore screen the EV infrastructure, air and water facility and the general petrol station activities from this neighbouring property.

Acoustic fence is denser than a domestic fence therefore reflects and absorbs noise better as opposed to allowing noise to travel through. The applicant has provided a specification for the proposed fencing which indicates that it would have a superficial mass of 28 kg/m². A minimum superficial density of 10 kg/m² is generally required for acoustic fences and the proposed fencing therefore comfortably exceeds this. A condition is recommended to secure the proposed fencing.

Officers have considered whether there are further opportunities for additional or extended noise attenuation measures. However, there are very limited opportunities for additional noise mitigation measures beyond those proposed. The inclusion of signage in the EV parking bays asking customers to respect the neighbours by keeping noise to a minimum could be considered, with a scheme for such signage secured by condition.

Condition 8, as recommended by Officers, would also serve to protect the amenity of neighbouring occupiers and prevent incremental increases in ambient noise levels from new development (also known as noise creep). Condition 8 says that the noise emitted by the proposed plant and equipment must not exceed the existing background sound level when measured next to the facade of neighbouring houses. This is a standard condition and the wording is required to be technical in nature to ensure that the requirements are precise and enable it to be enforceable.

The EHO considers that the proposed acoustic fencing and the restrictions imposed under condition 8 and sufficient to protect the amenity of neighbouring occupiers from unacceptable noise impacts. The wording of condition 7 (acoustic fence) has been updated to include reference to the proposed specification of the fencing.

External lighting

Members requested further information or clarification on the external lighting proposals for the site, although it was noted by Officers that it is not unusual for lighting details to come forward at a later time and therefore further details could not be required of the applicant prior to determination. The applicant has however provided some details of a lighting scheme that has been approved at another of their sites elsewhere in the country. That relates to a PFS and drive-thru and is similar to the application site in that it is also immediately adjacent to residential land. It is intended to demonstrate the type of lighting that could be installed to control light spill. For example, it specifies luminaire mounting heights, tilt angles and spill shields.

While there is not a detailed external lighting scheme for the development, Officers are satisfied that an acceptable lighting scheme could be agreed through a condition. To discharge the condition, the developer would need to provide a detailed specification for the proposed lighting, including the type of lighting and specific mitigation features, the location of the lighting and the hours of operation. The proposals would need to be supported by a suitable lighting contour plan to demonstrate lux levels within the site and any light spill outside of the site boundary. The condition would require the approved lighting to be provided in accordance with those details and retained as such, which provides the Council with an enforceable position.

Visual intrusion and overshadowing

No.46 Stratford Road is a detached two storey dwelling to the north. The existing development breaches the 45-degree line to the front of that neighbour, with the proposal increasing this breach. However, that neighbour would be well over 8.0m from the breach and would be separated by an existing intervening hedge and it is therefore considered that the proposal would not result in any material harm to light and outlook at that property.

No.58 Stratford Road is a two storey dwelling to the south. The proposal would not dissect a 45 degree line taken from the centre of the living room window at this property and new development would be limited to low level plant buildings on that boundary. A hedge is also proposed to be planted along the boundary at a height of 1.75m-2m. It is therefore considered that the proposal would not result in material harm to light and outlook at this neighbouring property.

The west of the site is bordered by a private access lane, beyond which are the rear gardens and rear elevations of 28-40 Wordsworth Avenue. The gardens are relatively long, with the closest dwelling being approximately 19m distant from the border of the site. Whilst the shop would be repositioned closer to some of those neighbours, it would remain single storey and limited in height, with separation

distances exceeding distances stated within the Residential Design Guide for rear elevations of houses facing blank gables of two storey buildings.

The proposed canopy would be repositioned to the south west, closer to neighbours on Wordsworth Avenue. However, the canopy would measure only 5.8m in height to the top of the soffit, which is comparable in height to a two storey building and would be in excess of 12.0m from any of the rear elevations of those neighbours. Furthermore, the building would be of lightweight construction which would further mitigate any impact. It is therefore considered that this element would not result in any material harm to light and outlook within those properties.

To conclude, Officers are satisfied that the development would not result in any unacceptable impacts on residential amenity, subject to conditions.

Access and Highway safety

Policy TR1 (Access and Choice) of the Warwick District Local Plan states that development will only be permitted if it provides safe, suitable and attractive access routes for pedestrians, cyclists and vehicles. Amongst other things, development proposals are expected to not be detrimental to highways safety.

Policy TR3 (Parking) of the Warwick District Local Plan states that new development will only be permitted that makes adequate provision for parking. The Council's adopted Parking Standards SPD provides additional guidance in this regard.

The site currently has two points of access off Stratford Road and as part of the proposed scheme it is proposed to modify the access points and create a formal 'in' and 'out' arrangement.

The vehicle tracking provided with the application only shows vehicles turning left into the site. Members have requested clarification of the tracking details for vehicles entering the site from both directions and the Highways Authority position in this respect.

Officers have requested vehicle tracking details from the applicant however this has not been provided to date and it is unclear whether such information will be provided. In the circumstances, it is only possible to rely on the original assessment undertaken by the Highways Authority and the absence of an objection to the proposed layout on highway safety grounds.

The Parking Standards SPD do not state parking requirements for a PFS use but the most relevant category (food retail) states that 1 parking space should be provided per 14sq.m, resulting in a parking requirement for 14 spaces. The proposal would include seven parking spaces, including two disabled spaces, in addition to four EV spaces and would also provide space for six vehicles to use the fuel pumps, resulting in a total of 17 spaces on the site. The Highways Authority has not raised any concerns with the level of parking provision and it is therefore considered acceptable from a highway safety perspective.

Ecology

Policy NE2 of the Local Plan seeks to protect designated areas and species of national local importance for biodiversity; development will not be permitted that will destroy or adversely affect (for example) protected, rare, endangered or priority species. Policy NE3 states that new development will be permitted provided that it protects, enhances and/or restores habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The County Ecologist has been consulted and, following the submission of additional information, raises no objection to the application subject to conditions. These conditions would require the existing buildings and structures to be demolished/removed in the presence of a qualified bat worker so as to ensure that there would be no harm to bats. A condition is also recommended to ensure that the development is carried out in such a way so as to avoid harm to nesting birds; this would either mean time tabling site clearance works to avoid the bird breeding season or having a qualified ecologist inspect the buildings and any vegetation to be cleared on site immediately prior to such works taking place. A condition is also recommended requiring a detailed schedule of habitat and species enhancement measures to ensure that the development results in a demonstrable net gain for biodiversity. It has also been recommended that a note be added to any planning permission regarding the protection of hedgehogs.

The conditions recommended by the County Ecologist are considered necessary and reasonable and subject to these conditions officers are satisfied that the proposal complies with the above referenced policies and guidance in the NPPF. A note would also be added to any permission regarding hedgehogs.

Other considerations

Land contamination

The site is previously developed land and has historically been used as a petrol filling station and the possibility of several previous generations of underground storage tanks are identified in the submitted geo-environmental assessment report.

The report advises that all existing underground storage tanks would need to be removed as part of the proposed redevelopment and that additional investigation and sampling should be undertaken after the removal and remediation of these tanks. The Council's EHO has been consulted and recommended a condition requiring submission of additional investigation work.

Subject to inclusion of that condition, the application is considered acceptable in this regard.

Construction impacts

To minimise adverse impacts on residential amenity during the demolition and construction phases of the proposed development, a condition has been attached as advised by the Council's EHO.

Subject to inclusion of that condition, the application is considered acceptable in this regard.

Representations

The concerns raised by Councillor Browne and local residents are acknowledged, however, for the reasons detailed within this assessment it is not considered that these objections could be sustained.

Conclusion

The proposals are considered acceptable in principle and in relation to all of the detailed matters that have been assessed above. It is therefore recommended that planning permission is granted.

CONDITIONS

1 Time limit:

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 Approved Plans:

The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and the following approved drawings and specification contained therein:

- 220131 - 102 (E)
- 220131 - 103 (A)
- 220131 - 104
- 220131 - 105
- 220131 - 106 (D)
- 220131 - 107
- 220131 - 108
- 220131 - 109 (D)
- 220131-110 (A)
- 01 Rev G

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 Land contamination (pre-commencement condition):

No development shall take place until: -

(i) A supplementary site investigation has been designed for the site using the information obtained from the approved desk-top / preliminary study and any diagrammatical representations (conceptual model). The investigation must be comprehensive enough to enable:

- A risk assessment to be undertaken relating to human health
- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
- An appropriate gas risk assessment to be undertaken
- Refinement of the conceptual model
- The development of a method statement detailing the remediation requirements

(ii) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.

(iii) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the Local Planning Authority. The method statement shall include details of how the remediation works will be validated upon completion. This shall be approved in writing by the Local Planning Authority prior to the remediation being carried out on the site.

(iv) Once approved, all development of the site shall accord with the approved method statement.

(v) Upon completion of the remediation detailed in the approved method statement, a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

4 Construction management plan (pre-commencement condition)

No works of demolition or construction shall be undertaken unless and until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. All works of demolition or construction shall be carried out in strict accordance with the approved construction management plan.

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.

5 Sustainability Statement

Notwithstanding details contained within the approved documents, prior to commencement of development above slab level, a Sustainability Statement including an energy hierarchy scheme and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;

- a) How the development will reduce carbon emissions and utilise renewable energy;
- b) Measures to reduce the need for energy through energy efficiency methods using construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- c) Details of the building envelope (including U/R values and air tightness);
- d) How the proposed materials respond in terms of embodied carbon;
- e) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
- f) How the development optimises the use of multi-functional green infrastructure for urban cooling and local flood risk management.

For the avoidance of doubt, the scheme must accord with any relevant Development Plan Document and Supplementary Planning Document relating to sustainability which has been adopted by the Council at the time the scheme is submitted.

The development shall not be brought into use until the works within the approved scheme have been completed 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 in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

6 Materials:

No development shall be carried out above slab level unless and until samples of the external facing materials to be used and design details of the approved acoustic fence (including colour) 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 and retained as such.

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.

7 Noise mitigation:

Prior to the development hereby permitted first being brought into use, a 2.7-metre-high acoustic barrier shall be installed in accordance with the details shown on the Proposed Layout (drawing number 220131 - 102 (E)), the details set out in the Noise Impact Assessment: Report DC4265-NR1v2' produced by Dragonfly Consulting and dated 7th July 2023 and the specification detailed within the submitted Acoustic Reflective document (reference: Jacksons, JFS MKT/SPC 0611 V1). The fence shall be imperforate and sealed at the base. The fence shall thereafter be retained as such.

Reason: To protect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029 and guidance in the NPPF.

8 Plant noise limits:

The fixed plant and equipment hereby permitted shall be installed and maintained thereafter to ensure that the noise rating level (dB, LAeq,T), when measured (or calculated to) one metre from the façade of any noise sensitive premises, does not exceed the background noise level (measured as LA90,T).

Reason: To protect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

9 Unexpected Contamination:

In the event that any contamination is found at any time when carrying out the approved development that was not previously identified then no further development shall take place and the nature of the contamination shall be reported in writing to the Local Planning Authority within 2 working days. An investigation and risk assessment of the contamination shall be undertaken in accordance with the requirements of condition 6 parts (i) and (ii). Where remediation is necessary, a remediation scheme shall be prepared in accordance with the requirements of condition 6 part (iii) and shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report shall be prepared in accordance with condition 6 part (v) and submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

10 Lighting:

The development hereby approved shall not be brought into use until a strategy for the exterior lighting of the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include a specification of the lighting, location, lux, hours of operation, details of light spillage and details of shielding to neighbouring properties. The details approved shall be implemented prior to the commencement of use of the development hereby permitted and shall thereafter be retained as such for the duration of the permitted use.

Reason: To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

11 Supervised destructive measures

The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all

destructive works to the roof of the building(s) and associated structures to be demolished/affected. All roofing material shall be removed carefully by hand. Appropriate precautions must be taken in case bats are found, including a toolbox talk and the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately and Natural England and the Local Planning Authority notified in writing. Any subsequent recommendations or remedial works shall be implemented within the timescales agreed between the bat worker and the Local Planning Authority and Natural England. Notwithstanding any requirement for remedial work or otherwise, a report summarising the findings of the qualified bat worker shall be submitted to the Local Planning Authority within 1 month following completion of the supervised works and is subject to approval in writing by the Local Planning Authority.

Reason: To ensure that protected species are not harmed by the development.

12 Biodiversity measures:

The development hereby permitted shall not commence above floor slab level until a detailed schedule of habitat and species enhancement measures to result in a biodiversity net gain (to include location of measures, installation timescale, timing of works, species lists for proposed planting, and long-term management plan for features where applicable) has been submitted to and approved in writing by the Local Planning Authority. Such measures shall also be shown on all applicable annotated site plans and elevations. Such approved measures shall thereafter be implemented in full, retained, and maintained in strict accordance with the approved details in perpetuity.

Reason: To enhance the nature conservation value of the site and ensure biodiversity net gain in accordance with the NPPF.

13 Nesting birds:

The development hereby permitted shall either:

- a. Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
- b. Not commence until a qualified ecologist has been appointed by the applicant to inspect the buildings and any 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 ecologist.

Reason: To ensure that protected species are not harmed by the development.

14 Highway access

The accesses to the site for vehicles shall not be used unless public highway footway crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority.

Reason: To ensure a satisfactory standard of development in the interests of highway safety and amenity.

15 Parking and cycle spaces

The development shall not be occupied until space has been provided within the site for the parking of cars and cycles as indicated on submitted plan number 221031-102 (E).

Reason: To ensure a satisfactory standard of development in the interests of highway safety and amenity.

16 Soft landscaping:

The soft landscaping scheme as indicated on approved drawing number 01 Rev G shall be carried out no later than the first planting and seeding seasons following the development first being brought into use. Any trees, hedgerows or shrubs 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, trees and shrubs shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and in the interests of biodiversity, in accordance with Policies BE1, BE3, NE3 and NE4 of the Warwick District Local Plan 2011-2029.

17 Finished Floor Levels:

No development shall be carried out above slab level until details of the finished floor levels of all buildings and structures, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details.

Reason: To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of visual and residential amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

Application No: [W 23 / 1048](#)

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

Registration Date: 17/07/23
Expiry Date: 11/09/23

Stoneleigh Arms, 31, Clemens Street, Leamington Spa, CV31 2DP
Proposed demolition of Stoneleigh Arms and reuse of materials for the erection of a new three storey building for use as a mixed used creative workspace.
Proposed refurbishment and single storey extension to the Old School for education and community use at Court Street.
Proposed creation of public realm landscaping. FOR Complex Development Projects

This application is being presented to Committee because it is an application made by the District Council and relates to a District Council owned building.

RECOMMENDATION

That planning permission is granted subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought to redevelop the site of the former Stoneleigh Arms public house. The proposals include the complete demolition of the existing building and its replacement with a new building which would be for a mixed creative use. The proposals also include the refurbishment and further extension of the building which sits to the rear of the Stoneleigh Arms, in Court Street, known as The Old School; this would be for educational as well as community uses. Between the two buildings it is proposed to create a new 'pocket park' public realm landscaped area.

THE SITE AND ITS LOCATION

The site currently comprises the vacant Stoneleigh Arms historic public house which is in a state of disrepair. This building fronts Clemens Street while to the rear, fronting Court Street, is The Old School building. The site is dissected by the Royal Leamington Spa Conservation Area boundary; the Stoneleigh Arms falls within the Conservation Area (Area 4: Clemens Street) while the rear of the site including The Old School building falls outside of it.

The site as a whole forms part of one of the allocated housing sites, H16 - Court Street (allocated for 75 dwellings in Policy DS11 of the Local Plan). It is also lies within the Creative Quarter and as such forms part of the wider development proposals for that particular project.

In planning policy and principle terms, the site is within the Urban Area of Leamington Spa, the designated town centre boundary and the vacant public house fills a gap in an otherwise established retail frontage in the designated retail area. Residential properties in Tower Street are located to the rear of the Stoneleigh Arms (on the south side) while Court Street surface car park sits to the rear on the north side. In Court Street, opposite the Old School, there is a mix of residential and industrial uses.

The vacant public house is unlisted but is considered to make an important contribution to the character and appearance of the conservation area as well as the wider street scene. To that end, it is considered to be a non-designated heritage asset.

PLANNING HISTORY

W/22/1203 - Demolition of the rear of the Stoneleigh Arms and erection of temporary building supports as required - Approved 16.11.2022

W/18/1763 - Proposed improvements to existing municipal car park to include additional parking bays, extended asphalt surfacing, change of use of existing disused area to form enlarged car park, lighting, CCTV and an additional pay machine - Approved 16.11.2018

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- DS5 - Presumption in Favour of Sustainable Development
- DS11 - Allocated Housing Sites
- PC0 - Prosperous Communities
- TCP1 - Protecting and Enhancing the Town Centres
- TC2 - Directing Retail Development
- TC16 - Design of Shopfronts
- CT1 - Directing New Meeting Places, Tourism, Leisure, Cultural and Sports Development
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS6 - Creating Healthy Communities
- CC1 - Planning for Climate Change Adaptation
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- HE1 - Protection of Statutory Heritage Assets

- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources

Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS3 - Conservation Area
- RLS12 - Air Quality
- RLS13 - Traffic and Transport
- RLS14 - Cycling
- RLS16 - Royal Leamington Spa Town Centre
- RLS17 - Royal Leamington Spa Creative Quarter
- RLS18 - Secondary Retail Areas within the Creative Quarter

Guidance Documents

- Air Quality & Planning Supplementary Planning Document (January 2019)
- Parking Standards (Supplementary Planning Document- June 2018)
- Open Space (Supplementary Planning Document - April 2019)
- Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Support for the following reasons:

- The redevelopment of this important site is supported as it is in line with Policies RLSNP17 and HE2 of the Local Plan
- The proposals are within the Creative Quarter
- If there is scope to provide any EVCP in the public car park adjacent to the building this would be welcomed

WDC Conservation: Initially, no objection in principle to some form of demolition at the Stoneleigh Arms but cannot currently support the total demolition and proposed redevelopment. No objection in principle to the nature of the works proposed at The Old School which is outside the CA, although some reservations in relation to the single storey extension.

No concerns in relation to the creation of public realm landscaping which would improve the character of the area.

Original concerns based on lack of justification for the total demolition proposed together with the scale, mass and bulk (and design) of the proposed replacement building on the site of the Stoneleigh Arms. Following additional supporting information/justification together with revised plans of the replacement building, there is no longer any objection from a conservation point of view subject to recommended conditions

Health & Community Protection - Environmental Sustainability: No objection subject to conditions

WCC Highways: No objection - several parking surveys have been submitted recently for nearby planning application sites which have enabled the County Council Highways Team to establish that sufficient capacity exists during the day within nearby car parks. A further parking survey is not considered necessary as the main use of the proposal is during the day, when parking demand is lower in the area.

LLFA: No objection subject to conditions

WCC Ecology: No objection subject to conditions

Safer Communities, Leisure and Environment: No objection

Designing Out Crime Officer: No objection; conditions and notes recommended

WCC Archaeology: No objection subject to conditions

Public Response:

1 objection comment received for the following reasons:

- The proposal strips away the character of the original buildings;
- The extension to the Old School looks like overdevelopment and is out of line with neighbouring buildings;
- A pocket park, whilst a benefit, will result in problems in terms of potential anti-social behaviour;
- Who will be responsible for the maintenance of the pocket park? and;
- There will be an increase in the need for parking and yet the proposal results in the loss of spaces from the Court St car park.

12 support comments received raising the following points:

- This presents a much needed improvement to the area;
- This is a positive project for the town which proposes the re-use of existing materials;
- The uses proposed are good for the community and provide much needed activities;
- This is an exciting opportunity to regenerate a disused area with modern useful facilities;
- The building is an eyesore and in an unsafe condition, potentially a danger to the public and the proposal will transform it into a creative space for the benefit of the local community;
- Encouraging to see the arts being supported which will serve the community and bolster wellbeing; and
- This is much needed and will bring a great level of regeneration to a deprived area

3 neutral comments received raising the following points:

- Concerns regarding the maintenance of the pocket park and the potential risks of anti-social behaviour;
- Concerned about the design of windows; i.e. these are historic buildings and special consideration should be given to period features;
- The development's impact(s) on Court St, Clemens St and the whole area are complex but the application is generally welcomed;
- Biodiversity, access and management to the pocket park and attention to architectural detailing are all important considerations, as well as designing out crime;
- Consideration needs to be given of potential noise impacts; and
- Parking will be reduced and vehicles displaced into surrounding streets which will inevitably put added pressure on existing spaces;

[Officer Note - other non-material planning considerations were raised in all three categories of public representations received which have not been included here.]

Conservation Advisory Forum (CAF): Supportive of the possible merits of the scheme but expressed some concerns about the design rationale, materials, appearance etc (these comments were received prior to final amendments being submitted)

ASSESSMENT

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

- Principle of development;
- Impact on heritage assets;
- Visual impact / character of area;
- Impact on neighbouring/residential amenity;
- Access and parking;
- Impact on ecology;
- Impact on archaeology;
- Drainage;
- Sustainability; and
- Any other relevant considerations.

Principle of development

There are several strands to the principle of development and consequently a number of relevant policies which are key to determining whether or not the proposals are considered acceptable in principle. These are set out below.

Demolition of an unlisted building in a Conservation Area

Policy HE2 sets out the presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area. The policy advises that consent for total demolition of unlisted buildings will only be granted where the detailed design of the replacement can demonstrate that it will preserve or enhance the character or appearance of the conservation area. Lastly, the policy states that measures will be taken to restore

or bring back into use areas that presently make a negative contribution to conservation areas.

The Stoneleigh Arms building was originally a public house, dating from the 19th century which has been vacant since the 1990's. The existing building is clearly dilapidated and internally, floors have collapsed. However, its façade with Flemish bond brickwork does make a positive contribution to the character of the Leamington Spa Conservation Area as well as the street scene and its contribution is such that the building can reasonably be considered a non-designated heritage asset.

Accepting its total demolition therefore, as opposed to the partial demolition approved in 2022 which sought to retain the façade and side returns of the building, requires robust justification in order to satisfy Officers that complete demolition is the only feasible option before considering any scheme for a proposed replacement building (or buildings).

To that end, supporting information has been submitted with this application in the form of a series of structural reports, undertaken at different times, together with a report detailing the findings of mortar samples taken from the building. Earlier versions of the structural report had previously been submitted with the 2022 application seeking to partially demolish the building. At that time, it was thought the façade and side returns of the building could be retained. However, another year on and with the submission of two further structural reports it is now evident that the building is in a much worse condition than previously thought.

The report from June of this year details the main points of concern as:-

- The collapse of ground floor timber structures;
- Rotten timber joists visible from the entrance door at both ground level and at first floor level;
- Heavy weighted debris laying on what remains of the ground floor;
- Structural movement of the façade indicated by large cracks forming on the front and rear of the façade; and
- Evidence of vandalism through unauthorised entry to the building.

Perhaps most notable is the fact that the structural engineers undertaking the inspections could not gain safe access into the building because there is none. Loss of ground floor structure and rotten timber joists are evident within the building from visual inspections at the doorway. At that time (June 2023) the overall stability of the façade could not be safely assessed due to the unsafe nature of entry into the building though it could be stated with certainty that the façade has lost the restraint once provided by the ground floor. Together with the first floor timber elements in at least partial collapse, the report stated that the façade is performing beyond its designed intent and design life. Moreover, the façade has undergone some concerning movement with large cracks forming on the front and in multiple locations on the rear of the building. The conclusion stated that there is a medium to high risk of further elements within the structure failing which may then lead to sudden and disproportionate collapse of part or all of the structure.

A further inspection, undertaken in October 2023, was followed by a subsequent report which reiterated all of the above but further highlighted the continuing deterioration of the building. In this inspection, samples of mortar and render from the façade were taken and sent away for laboratory analysis. Whilst awaiting the outcome of those tests, indications showed that the samples were of poor quality and highly likely to show that the masonry walls would need to be taken down and rebuilt due to insufficient mortar strength. Having regard to the risks associated with the retention of the building as it stands, the report concluded that should the structure be required to remain, it was strongly recommended that provision be made for closing the footpath to reduce the risk to members of the public.

The report detailing the findings of the mortar sampling and testing highlighted the further deterioration of the building even since the previous inspection in the summer. This detailed cracks on the front increasing in size and depth with new cracks forming around the corner, loose masonry and considerable bowing of the walls where restraint has been lost internally. Testing samples of both the mortar and render concluded that it is not suitable for re-use and as such the façade would need to be taken down carefully in order to re-build it.

The above conclusions demonstrate, in their own right, that it is not possible to retain the building, even in part, and if any redevelopment scheme were to seek to re-use part of the original building then it would first need to be demolished in order to re-build it. To that end, officers are satisfied with the evidence that has been presented to justify the complete demolition of the Stoneleigh Arms and there is no longer any objection in principle to its loss.

The secondary aspect to Policy HE2 relates to the detailed scheme of any proposed replacement structure and whether or not this preserves or enhances the character or appearance of the Conservation Area. This is considered in more detail below, in the relevant section of this report that addresses impacts on heritage assets.

For the purposes of the principle of development however, Officers are satisfied that the loss of the existing building has been satisfactorily justified and this aspect of the proposals is considered acceptable in principle, in accordance with Policy HE2.

The creation of mixed use comprising creative, community and educational spaces

Policy CT1 of the Local Plan relates to new cultural (amongst other) developments, stating these will be permitted in the town centres in accordance with the town centre policies (policies TC1 to TC18). Policy TC1 states that proposals for any of the main town centre uses will be permitted within town centres where they are of an appropriate scale in relation to the role and function of the town centre and provided that non-shopping proposals would not compromise its shopping function. Proposals are also required to reflect the character and form of the town centre. Explanatory text 3.50 lists arts and culture amongst appropriate town centre uses. Insofar as the type of proposed development is concerned, together with what it would replace and where it is located, Officers are satisfied that the other town centre policies are not directly relevant for the purposes of considering the principle of development.

Having regard to Policy CT1, which supports new cultural development, the proposed replacement building on the site of the Stoneleigh Arms would offer a mixed use creative workspace. In reality, this would provide artist studios, gallery spaces, project rooms and other studios (e.g. for ceramics) together with an area for a shop to sell artist materials, books, prints etc and a family area. The Old School would be refurbished and extended to provide an educational space as well as offering hireable space for local community groups and businesses and an exhibition area which can be hired out for meetings and events.

Officers are satisfied that the aforementioned uses proposed within this application site are acceptable in principle having regard principally to Policy CT1 but also in considering the site's town centre location. It is not considered that the proposed development would compromise the shopping function of the town.

Creative Quarter development proposals

The site forms part of the Royal Leamington Spa Creative Quarter. A document entitled 'The Big Picture' (2019) sets an overarching vision for the delivery of the Creative Quarter and specifically for Court Street car park, which includes the Stoneleigh Arms and vacant historic warehouse, refers to a Makers Community Hub, to include (for example) creative workspace, makers' community, workshops and co-working/creative office space.

Policy RLS17 of the Neighbourhood Development Plan supports proposals for development within the Creative Quarter when they address (as appropriate) specified proposals listed at a) to f) in the policy. Point b) is of particular relevance here insofar as it relates to environmental improvements to (*inter alia*) frontages and through routes. The former public house is located in a prominent location in Clemens Street and with access already existing along both sides to Tower Street, Court Street and beyond, there are opportunities to improve accessibility through and around this site.

RLS17 further advises that development for particular uses, including (iv) community/event space and (vii) studio and co-working space for small businesses, artists and makers [my emphasis] will be supported when it is in accordance with Local Plan policies.

Officers consider that the proposed redevelopment of the Stoneleigh Arms site, including The Old School to the rear, would result in the introduction of uses entirely in accordance with the spirit of the Creative Quarter development proposals and the relevant NDP policy, RLS17.

The site's location as part of a wider housing allocation in the Local Plan

The site makes up a small part of a larger allocated housing site; H16 Court Street which is one of the Urban Brownfield Sites listed in Policy DS11 for 75 dwellings. It is noted that planning permission has already been approved, under ref. W/19/0531, for the erection of two blocks of residential accommodation comprising up to 90 bed spaces. The red line site area for this approved scheme excludes a substantial part of the allocation, including all of the Court Street surface car park, and it is noted that this alone could satisfy the requirement for 75no. dwellings.

Notwithstanding the above, the application site before Members at this time relates to the Stoneleigh Arms building and its historic yard to the rear together with the Old School building at the back of the site. If approved and subsequently developed this would not preclude further development from coming forward within the remainder of the allocation.

Conclusions on the principle of development

The proposals seek to demolish the former Stoneleigh Arms public house, and replace it with a new building to provide a mixed use creative workspace. The proposals also include the refurbishment and further extension of The Old School for both educational and community uses and the two buildings would be connected by a pocket park. All of the proposed uses are considered acceptable in principle in accordance with Policy CT1 of the Local Plan and RLS17 of the Leamington Spa Neighbourhood Development Plan.

Moreover, the complete demolition of the former Stoneleigh Arms, which is an unlisted building in a conservation area, has been satisfactorily justified through a number of structural reports, visual inspections and mortar/render samples which conclude the building as it stands cannot be safely retained without first demolishing it in order to rebuild it. In its current condition it poses a risk to members of the public and based on the evidence before Officers, the loss of the building is considered acceptable in accordance with Policy HE2 of the Local Plan. The detailed scheme to replace it is considered below in the section related to heritage impacts.

The site's location within a larger housing allocation (H16) does not preclude it from being redeveloped for the proposed creative, community and education uses. Since the application site is contained to the former public house, its garden and The Old School at the rear, this in itself does not preclude any remaining parts of the allocation from being brought forward for residential development in the future.

Overall, the principle of development is considered acceptable having regard to the aforementioned policies of the Local Plan and the Royal Leamington Spa NDP.

Impact on heritage assets

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect Listed Buildings and Conservation Areas respectively. These duties affect the weight to be given to the factors involved.

Section 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.

Policy HE2 sets out the presumption in favour of the retention of unlisted buildings which make a positive contribution to the character and appearance of a Conservation Area and advises that consent for total demolition will only be granted where the detailed design of the replacement can demonstrate that it will preserve or enhance the character or appearance of the conservation area.

Policy RLS3 of the RLSNDP states that development proposals that are within or directly affect a Conservation Area must assess and address their impact on their heritage significance and must demonstrate attention to certain criteria specified within the policy.

Paragraph 199 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 200 adds that any harm to, or loss of, significance of a designated heritage assets should require clear and convincing justification. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

In terms of non-designated heritage assets (NDHA), paragraph 203 states that the effect of an application on the significance of a NDHA should be taken into account in determining the application. In weighing applications that directly or indirectly affect NDHA's, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 204 states that Local Planning Authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. It is important here to note that the definition of 'heritage asset', in the NPPF, is *"a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decision, because of its heritage interest. It includes designated heritage assets and assets identified by the Local Planning Authority (including local listing)"*. It is generally accepted that the Local Planning Authority can itself consider something to be a NDHA and therefore this would mean that such an asset would be considered a 'heritage asset' for the purposes of the NPPF. However, it is noted that this is still a non-designated heritage asset and accordingly the provisions of Local Plan Policy HE1 above do not apply specifically to the proposed loss of the building.

For the purposes of assessing the proposal to demolish the building against paragraph 204, the principle of development has considered this in the context of the Creative Quarter proposals which is a Council initiative. The application itself is a Council led development proposal, on a Council owned site, which seeks to make a significant contribution towards the Creative Quarter's vision. Officers are satisfied that in the event planning permission is forthcoming for this development,

there is no doubt that the new development will proceed in due course after the loss has occurred.

The Stoneleigh Arms building was originally a public house, dating from the late nineteenth century and has been vacant since the 1990's. The existing building is clearly dilapidated, and floors internally have collapsed, however its façade with Flemish bond brickwork does clearly contribute towards the character of Leamington Spa Conservation Area and street scene. Its contribution is such that the building can reasonably be considered as a non-designated heritage asset (NDHA) due to its local interest though it is noted that the building is not locally listed. A previous approval is in place for some demolition of the building which involves the retention of the façade and side returns. Objection has therefore never been raised, in principle, to some form of demolition but the extent of demolition proposed now requires additional supporting justification and evidence.

Total demolition of a NDHA would result in a level of harm to that NDHA, by reason of total loss of significance, which requires strong justification. This has been considered above as part of the principle of development and by way of a summary, the most recent survey and mortar inspections have clearly identified that the building is not salvageable. Added to the other considerations set out above, this is considered to be acceptable in terms of justifying the loss of the existing building. The complete loss of the Stoneleigh Arms does result in some harm to the significance of the Conservation Area although this is considered to be less than substantial. This identified level of harm engages the public benefits test set out in paragraph 202 of the NPPF.

As also set out above in the context of the principle of development, this site forms part of the Creative Quarter for which there is a specific policy in the Royal Leamington Spa NDP (RLS17) which encourages particular uses conducive to the Creative Quarter such as community/event space and studio space for artists. This is not a speculative development. Lighthouse Arts CIC (Community Interest Company) propose to use the redeveloped Stoneleigh Arms which is intended to serve as a collective art hub in Leamington Spa, and expand on the Art Room; a gallery and community arts space opened in September 2022.

The vision for this development is to create a community space and specifically, a collective arts space, for any and all individuals interested in the Arts, regardless of background and skill level. The development would incorporate:-

- Gallery Space - used not only for exhibiting artwork, but would also be hireable to those wishing to show a collection and would provide a room for artists in residence, enabling people to see artists at work;
- Project Room - a large, open, shared art studio space with shared resources; aimed at those needing short term or occasional studio space;
- Private Artist Studio - available to rent from medium to long term;
- Shop - selling artist materials, books, prints and so on;
- Family Area - intended to encourage families; i.e. parents with young children, and to provide family focused workshops and activities; and
- Ceramics Studio and Kiln - to assist with the current short supply of availability on ceramics courses in the area.

The uses above are fundamentally embodied within the very nature of what the vision for the Creative Quarter has set out to encapsulate. Such a development would offer a creative, shared and community space in an area of the town which has been designated for such purposes and to that end, Officers are of the opinion that these not only amount to but indeed go beyond the type of public benefits necessary to outweigh the level of less than substantial harm identified to the heritage assets (principally, the significance of the conservation area).

The proposed replacement building for the Stoneleigh Arms has undergone a series of amendments, primarily seeking to address some initial concerns about the scale, mass and bulk of the building. The proposal was originally considered to impact quite substantially on the character and appearance of the Conservation Area due to excess scale and bulk and a predominant expanse of flat roof standing at three storeys in height. The latest revisions have resulted in a much-reduced roof scape, a design which includes a double pitched appearance and incorporates the use of large areas of glazing at the rear to maintain a sense of lightweight appearance which is neither obtrusive nor harmful to the character of the Conservation Area.

With regard to the Old School element of the proposals, this lies outside of the Conservation Area boundaries although there is the potential for any redevelopment to impact on its setting. No objection is raised in principle to some form of extension, although initially the use of appropriate materials formed the basis of some further discussion and revisions to the plans, resulting in the current scheme which incorporates the use of some glazing to create more of a visual separation between the original building and the extension sitting in front of it. The revised plans in relation to the Old School are deemed acceptable and would not result in harm to the character and appearance of the conservation area.

The proposed pocket park and public realm landscaping are considered improvements which would enhance the conservation area. No concerns are raised in this regard.

Overall, in view of the additional supporting information justifying the loss of the existing Stoneleigh Arms building, the revisions made to the plans for its redevelopment showing a much reduced scale, mass and bulk, and together with the proposals for the Old School and the pocket park, the heritage impacts of the proposal are considered by Officers to be acceptable. Where some level of harm has been identified (to the NDHA and the significance of the Conservation Area) Officers are satisfied that the public benefits outweigh this harm and as such the development is considered to be compliant with Policies HE1 and HE2.

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

Visual impact / character of area

Policy BE1 requires new development to positively contribute to the character and quality of its environment through good layout and design. While primarily applicable to residential development, it is still worth noting the Residential Design

Guide SPD (2018) which provides a framework through which additional design principles are set out to ensure that high quality design is promoted, sensitive to, and in keeping with the area in which it is located.

The replacement building for the Stoneleigh Arms has undergone a number of revisions during the course of the application. These revisions have sought to address concerns raised by officers, primarily in relation to the proposed scale, mass and bulk of the new building. The position of the existing building is such that it is not only highly prominent in Clemens Street but views through the site and from the rear, across the Court Street car park are also easily facilitated in view of the open nature of the back of the site/Court Street. To that end Officers consider it is important to ensure that the original form and scale of the existing building continues to be respected, albeit within a purpose-built new development on the site.

The most recent plans for the replacement Stoneleigh Arms illustrate, from the Clemens Street view, a simple two storey building with dual pitched roof, not dissimilar in form and scale to the existing building. Behind this however the footprint is essentially doubled through the introduction of a further two storey dual pitched roof component, creating a valley between the two roof pitches. It is proposed to 'link' the two pitched roofs together with a further slate covered roof, pitched on both sides to further minimise the perception of any additional bulk and mass. The view from Clemens Street, whether viewed from the north or the south sides, would therefore be of a two storey pitched roof building, similar to the existing, whose eaves and ridge heights are lower than both neighbouring buildings either side. When viewing the side elevations from Clemens Street, particularly from the south side, there would be a partial view towards the rear wing and connecting roof structure although this would no longer present a dominating or excessively bulky feature within the street scene as was previously the case prior to the plans being substantially revised.

At the rear, the replacement building would change in character, providing a more contemporary design which incorporates a single storey flat roof element, dormer style features and the use of glazing to create large floor to ceiling and full-width windows. The rear of the buildings fronting Clemens Street varies in character, with an array of roof forms for extensions. It is considered that the proposed rear of the replacement building, following the latest set of revised plans, would not be a departure from the prevailing form of buildings and as such would be appropriate to and in keeping with the wider street scene.

Court Street is read in quite a different context to Clemens Street. It is altogether more industrial in nature, though there are some residential units as well (both existing as well as approved but not yet built). The Old School, sitting at the back of the Stoneleigh Arms site and which fronts onto Court Street, is a two storey building with traditional detailing and fenestration and this is read in the immediate context of a surface car park to its north/west, and a mix of residential and industrial opposite (east/south). As such, there is scope to extend this building in a more contemporary way without impacting deleteriously on the street scene or wider surrounding. It is also noted that this part of the site lies outside of the Royal Leamington Spa Conservation Area.

The existing building is to be retained and refurbished. A further extension is proposed on its frontage (facing Court Street) which is designed with a flat roof. Recent revisions to the plans have introduced the appearance of a glazed link between the original and the proposed buildings which create a visual separation, and the proposed materials include a mix of brick, glazing and timber cladding.

Materials for the replacement Stoneleigh Arms building include both reclaimed brick from the demolished structure, timber cladding and glazing to tie in with the Old School, as well as clay plaster in red/pink and green finishes, painted timber boarding and slate.

Proposed landscaping plans of the pocket park illustrate the boundary treatment along the northern boundary where the site adjoins the car park comprising 2.8m high hit and miss timber fencing. This would include a sliding door for when the pocket park is opened. The southern boundary is already defined by a brick wall. On the Clemens Street frontage, to the north side of the building, there would be matching hit and miss timber panelling forming a gate, with a fixed panel to the side for signage.

Overall, the proposed development seeks to reclaim and re-use as many of the original bricks from the Stoneleigh Arms building as possible, and further retains and refurbishes The Old School. The proposed redevelopment proposals would open up the whole site and make it more accessible by connecting Clemens Street and Court Street and the use of complimentary materials and design features across both buildings is considered, by Officers, to result in a harmonious scheme which can be read positively in the context of both street scenes as well as the conservation area.

Accordingly, it is not considered that the proposed works would result in any material harm to the visual amenities of the site and surrounding areas and moreover the proposals represent a visual improvement, certainly to the rear elevation. The development is therefore considered acceptable in this regard and accords with Policy BE1.

Impact on neighbouring / residential amenity

Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents. At the same time, the policy also requires development to provide acceptable standards of amenity for all future users and occupiers of the development.

The nearest residential neighbouring properties are located to the south of the Stoneleigh Arms building. Three storey buildings fronting Clemens Street have commercial uses at ground floor with residential on the floors above, while in Tower Street, two storey properties face towards the rear of the Clemens Street buildings.

The replacement Stoneleigh Arms building would increase the whole plan depth of the building compared to what is there at present although it is noted that the existing pub previously had a rear wing which projected some length down its

garden. This has since been demolished under a previous demolition consent. The upper floors of the new building would not project much further beyond the rear building line of the neighbouring buildings in Clemens Street to the south. Whilst a terraced area is proposed above the ground floor projection it is noted that this would be enclosed on all sides by a parapet wall measuring over one metre in height and a landscape strip is proposed on the southern side to effectively provide screening between the proposal and the Clemens Street/Tower Street properties.

Officers have considered the relationships between the proposals and the existing neighbours and concluded that there would be no materially harmful impact on amenity by reason of loss of privacy, outlook or light. This is based on a number of factors, but principally has regard to the oblique angle at which the terrace would be positioned and experienced by both sets of neighbours' windows. Whilst there may be the perception of some overlooking, the reality is that the distances involved are such that when combined with the parapet wall, proposed landscaping, oblique angles and lower ground level that the Tower Street properties are sitting at, any actual overlooking (into windows) which may occur would be minimal, in Officers' opinion.

It is further worth noting that there are no issues in relation to overlooking/loss of privacy of neighbours' private gardens because there are none. The rear elevation of the Clemens Street buildings contain doors at ground floor to access the upper floor flats and which open directly onto the associated parking areas. Similarly, the Tower Street properties' frontages face towards the rear of the development site and as such no concerns are raised with regard to loss of private amenity space.

Having regard to the 45° guidance and noting the increased depth of the building at ground floor, there would be a very minor breach from the ground floor rear facing window of the nearest building on the south side of the site. However, mitigating circumstances include the orientation of the buildings, the fact that the breach occurs almost 8m away (the distance stipulated as being acceptable in the Residential Design Guide) and the fact that the neighbouring ground floor window is already breached by the presence of a bin store. Furthermore, the existing boundary wall separating the two sites stands at more than 2 metres in height.

No.29 Clemens Street has upper floor side facing windows serving habitable rooms. Since there are two first floor side facing windows in the proposed new building which would look towards these it is proposed to condition these to be obscure glazing. Officers do not consider this requirement would impinge on the use of the development for artists' studios and creative workspace given the amount of other glazing contained within the building and further having regard to the fact that this side of the building is north facing and as such, natural light into this aspect of the building would be somewhat limited in any case. There are no side facing windows on the north facing side of No.33 and there is no concern in this regard.

Distance separation has been considered in the context of the existing situation which provides a distance of approximately 21m between the rear of Clemens Street and front of Tower Street properties. Given this relationship is shared between four storey and two storey buildings, Officers are of the view that the

proposed replacement Stoneleigh Arms would not result in material harm in this regard given that the relationship between the two elevations would be oblique and not direct facing.

The Old School, once refurbished, would have no greater impact on neighbouring buildings and other land uses given it is already in situ. The proposed extension to the front would be brought closer to the road and therefore closer to the residential development located opposite, at the corner of Court Street and Cumming Street. That being said, there are no windows in the ground floor Court Street elevation that might otherwise look towards/be overlooked by the single storey extension and Officers are satisfied there would be no harmful impacts on residential amenity resulting from this element of the proposals.

In terms of the proposed uses of the development, a Noise Report was submitted with the application (the outcome of which is considered in more detail in the relevant section below) but for the purposes of considering potential impacts on residential amenity, the application has recently been amended to remove any reference to events taking part in the hireable space and the pocket park between the two buildings. As things currently stand this is no longer part of the current proposals, and indeed was never intended as a primary use for the site as a whole in any case, and to that end, any forthcoming permission would be subject to a restrictive condition, prohibiting the use of the outside space, and the community space in The Old School, for events unless and until additional details have been submitted for approval, accompanied by the necessary Noise Reports, which demonstrate there would be no adverse impact on neighbouring properties.

Having regard to all of the above, officers are satisfied that the development is acceptable in this regard and as such accords with Policy BE3.

Access and parking

Policy TR1 requires development to provide safe, suitable and attractive access routes for all road users; including drivers of motor vehicles as well as cyclists, pedestrians and public transport users.

Policy TR3 requires development to make provision for parking which has regard to the location and accessibility of the site by means other than the private car, does not result in on-street car parking detrimental to highway safety; takes account of the parking needs of disabled car users, motorcyclists and cyclists; and takes account of the requirements of commercial vehicles.

This proposal would involve the loss of parking spaces from the Court Street surface car park. However, it is relevant to note that until 2019, the area to the rear of the Stoneleigh Arms buildings, located between it and The Old School, was the former pub garden and not part of the surface car park. Planning permission was approved towards the end of 2018 to improve the car park and provide some additional spaces which, at the time, formed part of the parking displacement strategy resulting from the Covent Garden proposals which are no longer going ahead. In 2020, much of the car park was used as a Covid testing site and therefore it is only in the last 2-3 years that the extended car park has been in use

as such. The applicant states in their supporting statement that the car park is never at capacity in any case and this was evident each time Officers visited the site (at different times of the day, on different days of the week).

Ultimately, the development would result in the loss of broadly the same number of parking spaces that were added as a result of the 2018 planning permission, effectively returning the capacity for parking at Court Street back to its original number. In view of the fact that historically the land between the two buildings to be developed was never part of the car park Officers are of the view that this would not be detrimental to either highway safety or amenity of nearby residents.

Provision is made, as part of the proposals, to adapt some existing spaces closest to the northern end of The Old School to provide 3no. disabled parking spaces for use by the development.

A Transport Assessment was submitted with the application which notes the site's high accessibility by alternative sustainable travel modes, the number of alternative car parking spaces within close proximity and the traffic impact assessment which shows a maximum increase of 0.37% on two links (High Street east and High Street west). The scheme is proposed as a 'car-free' development. Given the type of uses incorporated, the proposals to connect Clemens Street to Court Street and open up the site by providing routes through for both pedestrians and cyclists and the proximity to public transport connections (rail and bus), a lack of dedicated on-site parking is not considered to present a problem in both highway safety and amenity terms.

The County Highway Authority raised no objection to the application and stated that several parking surveys have been submitted recently in support of other nearby planning applications which have established that sufficient capacity exists during the day within nearby carparks. Accordingly, a further parking survey is not considered necessary as the main use of the proposal is during the day, when parking demand in the area is lower.

For the above reasons officers are satisfied that the development is acceptable in this regard and as such accords with Policies TR1 and TR3.

Impact on Ecology

Preliminary ecological reports were submitted with the application, with which the County Ecologist is in broad agreement. Initially, some additional information was needed to clarify at what point the rear of the Stoneleigh Arms was cleared (in pursuance of the 2018 permission for the extended car park) and how this may impact the survey work undertaken. The County Ecologist has since confirmed their acceptance of the details provided and further, that the survey work has been carried out to a high standard and no bats were found to be using the building. The metric also demonstrates that an on-site net gain is feasible and the mitigation proposed and measures suggested to achieve such a gain can be secured through appropriate conditions.

Subject to the recommended conditions being attached to any forthcoming planning permission Officers are satisfied that the development is acceptable in terms of its ecological impacts. The development therefore accords with Policies NE2 and NE3.

Impact on Archaeology

The application site lies within an area of significant archaeological potential within a part of the town that was subject to some of the earliest phases of urban expansion during the late 18th and early 19th centuries. The supporting information submitted with the application demonstrates that it is likely the site may contain early 19th century remains which would have the potential to provide new information on the development of Leamington Spa. In addition, both the Stoneleigh Arms and The Old School are considered to retain some historical, evidential aesthetic and communal value and the proposals would inevitably involve the loss of the former and some partial obscuring of elements of the latter.

The County Archaeologist has raised no objection to the principle of development subject to two conditions being attached to any forthcoming permission. These would require a written scheme of investigation for a programme of archaeological evaluative work to be submitted, together with associated reports and mitigation strategies as necessary, the works thereafter needing to be carried out in accordance with such approved measures. Additionally, a condition should require the submission of a programme of building recording in accordance with a further written scheme of investigation.

Subject to the aforementioned conditions the development is considered to be acceptable in regard to its impact on features of potential archaeological significance and as such accords with Policy HE4.

Drainage

The site is not within any designated flood zone and the development is minor in nature. Further to the submission of additional supporting information requested by the LLFA, no objection has been raised to the proposals, as recommended by the LLFA.

Officers are satisfied that the development is acceptable in this regard and as such it accords with Policy FW1.

Adapting to Climate Change/Sustainability Measures

Policy CC1 seeks all new development to be resilient to and adapt to the future impacts of climate change through the inclusion of measures to mitigate against rising temperatures and increased flood risk through sustainable construction measures and the incorporation of sustainable drainage methods.

In this particular instance, the proposals involve the unavoidable demolition of the existing Stoneleigh Arms building and its replacement with a new building. The proposals also include the retention, refurbishment and further extension of The Old School. The Design & Access Statement sets out the intended renewable

energy generation on site, reduction in embodied carbon and the reuse of existing materials (on the Stoneleigh Arms) where possible. The standard condition requiring a sustainability statement is recommended on any forthcoming permission.

Other matters

Environmental Health considerations

Noise

Initially, some potential concerns were identified by the Environmental Health Officer (EHO) in relation to noise arising from both the extended Old School and the pocket park, both of which are situated close to existing neighbouring properties. While further supporting information has been received which either clarifies or provides additional technical information in response to points identified in the EHO's first response, the application has also been revised to remove any potential use of the outdoor space, as well as the community element of The Old School, for events.

Unless and until the full impact on any sensitive receptors is fully understood, together with any necessary mitigation measures, it is proposed to attach a condition on any forthcoming permission, prohibiting the use of the outdoor space and The Old School for events. This approach ensures that if the development proposes such a use within the space at a future time, it will be subject to a separate planning application which will need to be accompanied by the necessary Noise Reports, together with any proposed mitigation measures as necessary.

In addition to the above, the EHO has confirmed that there are no objections subject to the use of further conditions in respect of noise levels for plant/equipment, access/security of the park i.e. when the gates would be locked and a Noise Management Plan which identifies practicable measures for the control of noise associated with the normal activity at the proposed development.

Subject to the imposition of the aforementioned conditions (final wording to be confirmed with EHO and updated via the updates to committee), Officers are satisfied that the proposed development would not have any adverse impacts on residential amenity as a result of noise.

Air quality

The development is located partly within and accessed via the Leamington Spa Air Quality Management Area (AQMA). Further information has been submitted during the course of the application, at the request of the EHO, and having considered this, there are no longer any concerns in this regard subject to the imposition of suitably worded conditions requiring an appropriate scheme of mitigation to be submitted, as well as construction management plan (covered below).

Contaminated land

Supporting information has been considered and deemed acceptable subject to the imposition of the standard condition requiring a method statement detailing remediation works.

Demolition and construction impacts

In view of the location of the site and its proximity to neighbouring buildings, a construction management plan is recommended by condition, which will ensure any impacts on existing residential amenity during the demolition and construction phases of the proposed development are kept to a minimum.

Maintenance of the proposed pocket park

The proposed pocket park would act as a connecting piece between the new build Stoneleigh Arms and The Old School and would create a new public space within the Old Town. Landscaping is proposed which would facilitate the opportunity for events, festivals, art sales and an outdoor gallery. New planting is proposed in planters on tracks so they can be moved within the site.

This is ultimately proposed to improve links into the site and The Old School as well as providing greater accessibility through the site from Court Street through to Clemens Street. Landscaping has been designed to 'frame' the view from Clemens Street and draw attention through the passageway into the pocket park. The passageway itself would be activated through the use of glazing in the building to provide views both in and out as well as seating and planters to encourage occupation of these routes. It is intended to improve the lighting strategy here, particularly to activate the space at night time and details of lighting can be secured by condition.

Whilst the majority of representations received for this application have expressed support overall for the proposal, some concerns have been articulated in respect of the security of this area with reference to the potential for increased levels of anti-social behaviour. Such concerns tie in with the comments received from the Designing Out Crime Officer who has made some recommendations (in relation to, for example, installation of security cameras and specification of glazing to be used especially on the ground floor of buildings etc). As well as incorporating these particular recommendations into a series of advisory notes on any forthcoming planning decision, a condition is also proposed requiring details of how the site will minimise the potential for crime and anti-social behaviour in accordance with Policy HS7 of the Local Plan.

Summary/Conclusion

The proposals involve the demolition of the existing Stoneleigh Arms building in its entirety and its replacement with a new building to provide a mixed use, creative workspace and in addition The Old School to the rear of the site would be refurbished and extended to facilitate both community and educational uses. The principle of development is considered acceptable in accordance with Policies HE2, CT1 and H16 of the Warwick District Local Plan 2011-2029 as well as RLS17 of the Royal Leamington Spa Neighbourhood Development Plan and fundamentally, Officers are satisfied with the extent of supporting justification which has been provided to demonstrate why the existing building cannot be retained, even in part.

The proposals for the replacement/extension works have been subjected to a number of amendments during the course of the application which have sought to respond to Officer concerns regarding the scale, mass and bulk and overall impact on the significance of the Royal Leamington Spa Conservation Area. It is considered there are public benefits resulting from the proposals sufficient to outweigh the less than substantial harm identified to the heritage asset.

Matters in relation to residential amenity, access, parking and highway safety, drainage, ecology, air quality and noise are all considered acceptable and suitable conditions are recommended to secure any necessary mitigation.

Overall, and having regard to all of the above considerations, Officers recommend that planning permission be granted subject to the conditions set out below.

CONDITIONS

1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and the following approved drawings:

1247_000, 1247_001, 1247_104, 1247_105, 1247_200, 1247_201, 1247_202 (Section A), 1247_202 (Section B), 1247_204, 1247_304 and 1247_305, and specification contained therein, submitted on July 17th 2023;

1247_004 and specification contained therein, submitted on October 5th 2023;

1247_002, 1247_100B, 1247_101B, 1247_102B, 1247_103a, 1247_300, 1247_301, 1247_302, 1247_303A, 1247_513, 1247_514, 1247_515, 1247_516 and 1247_517, and specification contained therein, submitted on November 9th 2023; and

1247_106B, 1247_306 and 1247_307, and specification contained therein, submitted on November 22nd 2023.

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

3 No works of demolition or construction shall be undertaken 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; site working hours and delivery times; 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, together with any details in relation to noise and vibration; 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
1. No development shall take place until a method statement detailing the remediation requirements using the information obtained from the approved site investigation report has been submitted to the Local Planning Authority. The method statement shall include details of how remediation works will be validated upon completion. This shall be approved in writing by the Local Planning Authority prior to the remediation being carried out on the site. Once approved, all development of the site shall accord with the approved method statement.
 2. Upon completion of the remediation detailed in the method statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.
 3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the Local Planning Authority through an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.

Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

5 Notwithstanding details contained within the approved documents, prior to commencement of development other than site clearance, preparation works or demolition works, a Sustainability Statement including a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;

- a) How the development will reduce carbon emissions and utilise renewable energy;
- b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- c) Details of the building envelope (including U/R values and air tightness);
- d) How the proposed materials respond in terms of embodied carbon;
- e) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

For the avoidance of doubt, the scheme must accord with any relevant Development Plan Document and Supplementary Planning Document relating to sustainability which has been adopted by the Council at the time the scheme is submitted.

The development shall not be occupied until the works within the approved scheme have been completed 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 in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

6 The development hereby permitted (including site clearance) shall not commence until a Biodiversity Management Plan (BMP) to include a detailed schedule of habitats and protected species mitigation, and biodiversity enhancement measures including habitat management and long-term monitoring, to result in a biodiversity net gain (to include location of measures, installation timescales, timing of works and species lists for proposed planting) has been submitted to and approved in writing by the Local Planning Authority. Such measures should be shown on all applicable annotated site plans and elevations, and such approved mitigation and enhancement measures shall thereafter be implemented in full and maintained in strict accordance with the approved details in perpetuity. **Reason:** To enhance the nature conservation value of the site and ensure biodiversity net gain in

accordance with NPPF, ODPM Circular 2005/06 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

7 No part of the development hereby permitted shall be commenced until a scheme for the provision of two bat boxes/bat roosting features to be erected on buildings within the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of box type, location, and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity. **Reason:** In accordance with NPPF, ODPM Circular 2005/06 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

8 No development hereby permitted shall take place until:

a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.

b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.

c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

9 No development hereby permitted shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

- 10 No lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures (including details of hours of operation) shall have been submitted to and approved in writing by the Local Planning Authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **Reason:** To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 11 No development hereby permitted shall be carried out above slab level unless and until details have been submitted to and approved in writing by the Local Planning Authority which demonstrate how the development will minimise the potential for crime and anti-social behaviour. Such details should include provision for appropriate security measures, including lighting, landscaping and fencing, as well as details regarding the long-term management and maintenance of such features. The development shall thereafter be implemented in accordance with the approved details and maintained as such in perpetuity. **Reason:** In the interests of minimising the potential for crime and anti-social behaviour and to improve community safety in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029.
- 12 No development above slab level shall take place until an appropriate scheme of mitigation in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) has been submitted to and approved by the Local Planning Authority. The approved scheme shall then be implemented in full and shall not be altered in any way without expressed written consent from the Local Planning Authority. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 13 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.
- 14 No development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The

development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029. (CA). To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029. (LB). To ensure that the rural character and appearance of the barn(s) is protected, in accordance with Policies BE1 and BE4 of the Warwick District Local Plan 2011-2029. (Barn Conversions).

15 The development hereby permitted shall not be occupied unless and until the approved cycle parking facilities have been provided and made available for use in accordance with the details on the approved plans and thereafter those facilities shall remain available for use at all times. **Reason:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

16 The development hereby permitted shall not be occupied unless and until the car parking 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 / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

17 The development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been constructed or laid out in strict accordance with the approved plans and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development.

The development shall not be occupied unless and until it has been provided with the appropriate refuse containers necessary for the purposes of refuse, recycling and green waste, in accordance with the Council's specifications.

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

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

- 18 Any external plant and equipment shall be installed and maintained to ensure that the noise rating level (dB, LAeq,T), when measured (or calculated to) one metre from the facade of any noise sensitive premises, does not exceed the background noise level (measured as LA90,T). **Reason:** To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 19 Prior to the occupation of the development hereby permitted, the first floor side facing windows in the northern elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
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Application No: W 23 / 1411

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

Registration Date: 10/10/23
Expiry Date: 05/12/23

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Town Hall, Parade, Leamington Spa, CV32 4AT

Proposed site hoarding comprising 54no. panels (maximum height of 2.4m) in connection with refurbishment works being undertaken at the Town Hall. FOR
Warwick District Council

This application is being presented to Committee because it is an application made by the District Council and relates to a District Council owned building.

RECOMMENDATION

That advertisement consent is approved subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

Advertisement consent is sought for the erection of temporary site hoardings around the front of the Town Hall. The hoardings would comprise 54no. panels with a maximum height of 2.4m and some of the individual panels are proposed to display graphics relating to the wider Town Hall refurbishment project (previously approved under an earlier application). It is anticipated that the hoardings would be in place for the duration of the works being undertaken at the Town Hall.

It should be noted that this type of temporary hoarding needed during the construction period can often be erected under deemed consent in accordance with The Town & Country Planning (Control of Advertisements) (England) Regulations 2007, i.e. there is no requirement on the applicant to first obtain the express consent from the Local Planning Authority. In this instance however, owing to the scale and nature of the proposed hoarding, principally having regard to the proposed graphics, logos and so on, express consent is considered necessary for the works.

THE SITE AND ITS LOCATION

The Town Hall is an imposing Grade II listed municipal building dated 1882-1884, comprising a number of architectural details and flourishes and a clock tower which sits on the building's southern end.

The Town Hall is centrally placed in the town centre and is within the Royal Leamington Spa Conservation Area as well as the Creative Quarter. Its main entrance fronts Parade to the west; a further entrance sits on its southern

elevation fronting Regent Grove, to the north side is Livery Street, otherwise known as Regent Court, which is a pedestrianised route through to Regent Street to the north, characterised by restaurants and other dining facilities. At the rear of the Town Hall, there is an area for car parking which is accessed off Regent Grove to the south.

PLANNING HISTORY

While there are several planning records for the Town Hall, over approximately the last thirty years, these are mostly Listed Building Consents which are primarily concerned with internal works and refurbishment, but which are of no direct relevance to the proposals being considered here. Of more direct relevance are the two recent records from earlier in 2023 which gave approval for the works with which the hoarding is associated and now proposed:-

W/23/0381 - Use of Town Hall as a 'creative hub', including new steps and ramps to the building's main entrance together with the demolition and reconstruction of an existing two storey structure at the rear to provide upgraded toilets and new lift - Approved 21.06.2023

W/23/0382/LB - Proposed new steps and ramps to the building's main entrance; adaptation of internal areas, corridor spaces, main staircase and reception; demolition and reconstruction of an existing two-storey structure at the rear - Approved 21.06.2023

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- TR1 - Access and Choice
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS3 - Conservation Area
- RLS17 - Royal Leamington Spa Creative Quarter

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Supportive of the proposals but would like to see an additional entry depicting the Town Council's establishment in 2002 and its occupation of the Town Hall since that time.

[Officer note - the plans have since been revised to include such an entry, thus satisfying the Town Council's request.]

WDC Conservation: No objection

WCC Highways: No objection

ASSESSMENT

Impact on Local Amenity

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.

The proposed temporary hoarding is of a scale and nature in keeping with the setting of the Town Hall which will be the subject of refurbishment works for the duration the hoardings are in place. Each individual panel would measure no more than 2.4m in height, with some measuring less than that (1.8m), having regard to site levels, particularly on the southern return which wraps around the corner of Regent Grove and takes account of the steps in front of the building.

The front hoardings would display graphics which are intended to depict a timeline of key moments from the Town Hall's history as well as highlighting key figures who played a part in its evolution. The graphics would serve an informative purpose and provide additional details to members of the public regarding the works to be undertaken as part of the refurbishment project at the Town Hall. The side hoardings, facing onto both Livery Street and Regent Grove are to remain plain, with no graphics.

The proposed background colour together with the choice of colours for the text (where applicable) is not considered to cause any unacceptable visual harm. The temporary hoardings are considered to be of an acceptable design which would have minimal effect on the amenity of nearby uses and residents. The development is therefore considered to be in accordance with Local Plan Policies BE1 and BE3.

Impact on Heritage Assets

For the same reasons as outlined above and owing to the temporary nature of the hoardings, no objection is raised by the Conservation Officer who is satisfied that the proposed works would not be detrimental to either the setting of the listed building or the character and appearance of the Royal Leamington Spa Conservation Area.

In making this assessment, Officers 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 Highway Safety

The County Highways Officer has assessed the proposal and on the basis that the hoardings are non-illuminated and temporary in nature, no objection is raised on highway safety grounds, providing it is not deemed an obstruction to pedestrians

and not a distraction to drivers. Officers have considered these latter points and concluded that the position of the hoarding is such that there would remain ample space on the pedestrianised walkway that sits between the Town Hall's frontage and the carriageway. Insofar as the graphics present a potential distraction to drivers, Officers have considered the fact that the largest lettering on the panels are the years, which based on the height of the panels, would amount to approximately 25cm in height. The remaining text on each panel would be akin to a large font in an average word document so in view of the closest distance between the panels containing text and the east side of Parade on which motorists would be driving being in the region of 2m, widening to 9m, Officers are satisfied that the panels themselves would not be a visual distraction such to jeopardise motorists' safety. There are no other public safety issues associated with the proposal.

SUMMARY/CONCLUSIONS

The proposed hoarding is necessary for the duration of the construction and refurbishment works at the Town Hall. Their scale, height, position and visual appearance is considered appropriate in terms of their impacts on the heritage assets, amenity and highway safety and as such the works are considered compliant with the relevant provisions of the Development Plan.

CONDITIONS

The standard 5 conditions for advertisement consents, plus:

- 6 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 241990-PUR-00-XX-DR-A-9000 Rev.P02.01. and specification contained therein, submitted on 10 October 2023; and approved drawings 241990-PUR-00-SL-DR-A-0002 Rev.P04.01; 'Proposed Site Hoarding Graphics - Concept Drawing Rev.02' and 'Site Hoarding Concept Proposals Issue 02: Nov 2023' and specification contained therein, submitted on 17 November 2023. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

Application No: [W 23 / 1460](#)

Town/Parish Council: Kenilworth

Case Officer: Adam Walker

01926 456541 adam.walker@warwickdc.gov.uk

Registration Date: 16/10/23

Expiry Date: 15/01/24

Abbey Fields, Swimming Pool, Bridge Street, Kenilworth, CV8 1BP

Variation of condition no. 2 (Approved Plans) attached to planning permission Ref. W/21/0170 for Demolition of existing swimming pool and outdoor pool and redevelopment to provide two new indoor swimming pools and associated changing facilities with ancillary cafe, boundary treatment and landscaping. FOR
Warwick District Council

This application is being presented to Committee because the applicant is Warwick District Council, and due to the number of objections having been received.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the delegation of authority to the Head of Planning to impose all necessary and relevant conditions, including those set out within this report.

DETAILS OF THE DEVELOPMENT

The application seeks a minor material amendment to planning permission W/21/0170. The planning permission allows for the demolition of existing swimming pools and redevelopment to provide two new indoor swimming pools and associated changing facilities and cafe.

The basis for the application is that archaeological investigation carried out during the demolition of the original facility has revealed medieval and later remains in the eastern part of the site. These remains lie at a level that would be impacted by the foundation design of the approved development and the extent of these remains is such that the new building's foundations could not be constructed without significantly impacting on the archaeological heritage. As such, an alternative design has been developed which involves raising the foundation level of the building by 500mm so that all ground beams and utilities would lie above the remains, along with the majority of pile caps. To minimise the impact of lifting the building, eaves heights and some roof pitches have been adapted and reduced. The effect of this has been to limit the overall increase in the ridge height to 350mm over and above the permitted scheme. The increase in foundation level also necessitates some changes to the external ground levels and amendments to the landscaping to facilitate access to the building.

The proposed changes to the scheme comprise:

- Raising the foundation level by 500mm
- Minor design changes, including alterations to eaves height and some roof pitches, with an overall increase in ridge height of 350mm above the permitted scheme.
- External levels amended to reflect the raising of the building's foundation
- Ramped access added on the western side (rear) of the building due to increase in finished floor level. Black metal handrails provided to ramps.
- Height of the approved retaining wall to the external terrace areas overlooking Finham Brook increased to reflect change in external levels. Extent of the retaining wall extended alongside the brook and around the entrance to the building due to the proposed change in levels. Black metal hoop railing (1100mm) provided on the new section of retaining wall.
- Fire escape from the pool hall relocated from western elevation to northern elevation.
- Amendments to the positioning of the external access doors of the pool plant area on the northern elevation
- Internal layout change: Pump pit relocated to avoid clash with historic remains
- Amendment to the external substation enclosure, with a reduction in building footprint. This is also due to the discovery of archaeological remains in this part of the site. The substation itself remains as per the original design but smaller in size
- Revisions to the approved hard and soft landscaping scheme to reflect the proposed layout and levels changes
- Minor changes to the approved drainage scheme for the development, with the levels of all proposed drainage altered to reflect the change in floor levels. The outflow headwall has also been moved westwardly down the brook to avoid archaeological remains. The original drainage design connected into an existing surface water pipe on the east elevation, however this has been found to have extensive damage and as such it is to be replaced. Drainage channels have been added to the sun terrace area.

As part of this application, updated information has been submitted in relation to certain conditions where the proposed amendments impact on the details previously approved under the discharge of pre-commencement conditions. Updated information is submitted in relation to the following conditions:

- Condition 7 (Surface Water Drainage)
- Condition 8 (Site Investigation and Method Statement)

- Condition 9 (Hard and Soft Landscaping)
- Condition 11 (Floor and Site Level Details)

The use and proposed internal facilities remain as permitted under the original planning permission.

THE SITE AND ITS LOCATION

The application site is located within Abbey Fields, an area of public open space to the northwest of Kenilworth town centre. The site previously contained the Abbey Fields Swimming Pool complex which consisted of an indoor and an outdoor pool along with changing facilities and cafe. The original facility has now been demolished to make way for the new swimming pool complex as approved under planning permission W/21/0170. The development site is currently fenced off with construction hoarding. The application site boundary also includes an outdoor play area, pavilion building and tennis courts to the north east.

The site is located within the Kenilworth Conservation Area. To the north of the development site lies the Grade I listed Abbey Ruins (Gatehouse and Abbey Barn), with the Grade I listed Church of St Nicholas lying to the northeast. Abbey Fields also contains a Scheduled Monument – the surviving standing, earthwork and buried remains of Kenilworth Abbey and its wider monastic precinct. Abbey Fields is also a locally important park and garden, as recognised in policy HE2 of the Local Plan, and forms part of the wider setting of Grade II listed buildings along Castle Hill, High St, Bridge St and Abbey Hill.

Inchford Brook Tributary potential Local Wildlife Site and Kenilworth Moss Local Wildlife Site are located nearby to the site.

PLANNING HISTORY

W/21/0170 - Demolition of existing swimming pool and outdoor pool and redevelopment to provide two new indoor swimming pools and associated changing facilities with ancillary cafe, boundary treatment and landscaping - Approved 16/09/2021

Planning permission W/21/0170 has been subject to a single non-material amendment (NMA) application. This sought to amend the wording of condition 5 (bat surveys) to allow demolition works to take place in the presence of a qualified bat worker. This was on the basis that the required bat surveys were unable to take place prior to these works commencing. The NMA was approved on 10th March 2023.

All pre-commencement planning conditions attached to planning permission W/21/0170 have been discharged. Condition 12 (external facing materials samples) is required to be discharged prior to the commencement of above slab-level development and remains to be discharged.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE3 - Locally Listed Historic Assets
- HE4 - Archaeology
- HS1 - Healthy, Safe and Inclusive Communities
- HS5 - Directing Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking

Kenilworth Neighbourhood Plan

- KP8 -Traffic
- KP12 - Parking Standards
- KP13 - General Design Principles
- KP13G - Design Management in Abbey Fields
- KP14 - Non-designated Heritage Assets
- KP15 - Environmental Standards of New Buildings
- KP21 - Flooding

Guidance Documents

- Air Quality & Planning Supplementary Planning Document (January 2019)
- Open Space (Supplementary Planning Document - April 2019)
- Parking Standards (Supplementary Planning Document- June 2018)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Support the application. Members made the following comments:

- Members asked Officers to ensure the energy efficiency of the design was maximised and encouraged a re-consideration of the energy credentials for the development.
- Members recognise that, whilst not yet formally approved, the aspirations within the forthcoming Development Plan Document should be a consideration for this project.

WCC Archaeology: No objection subject to condition requiring the development to be carried out in accordance with the previously approved Written Scheme of Investigation (WSI). The changes to the foundation design and, as a consequence, raising of the roofline, which have necessitated the current variation of condition application will allow the development to be undertaken in accordance with the agreed WSI.

Conservation Officer: No objection

WCC Ecology: The increase in overall height of the building does not have an ecological impact. The only changes that gives rise to concern is the reduction in proposed planting. It is recommended that native bulbs be added to the planting scheme (as also suggested by the Landscape team) as this would help compensate for the value to pollinators lost through the reduction of honeysuckle.

Environmental Health: No objection to the proposed revisions to the scheme. The applicant has submitted an additional ground investigation report to update the previously approved details of condition 8. The ground investigation report includes additional ground gas monitoring completed at the site to provide an updated assessment. Further information/clarification is requested on this alongside details of the proposed methods of ventilation for the building.

Environment Agency: No objection subject to a condition requiring the development be carried out in accordance with the submitted flood risk assessment and the proposed mitigation measures that it details.

Historic England: No objection. The proposed amendment to the approved development addresses our concerns to safeguard important archaeological remains and the form of the proposal remains dominantly the same as that previously approved under W/21/0170.

WCC LLFA: No objection. It is recommended that a separate application is made to vary the drainage details as previously approved under condition 7 or updated drainage calculations for the revised drainage scheme would be required to support the re-discharge of condition 7 under the current application.

Tree Officer: No objection.

WCC Landscape: Neutral: The proposed alteration in overall height would be imperceptible in views. The application also seeks minor changes to the approved hard and soft landscaping scheme and

these include a path leading from the relocated fire exit on the north-west side of the main building. This new path will require the shrub planting to be relocated adjacent to the bin store. However, there will be a reduction in overall plant numbers for this part of the site. It is recommended that native bulbs are planted amongst the dogwood to help increase seasonal interest. The reduced footprint of the substation has reduced the number of climbing plants needed from 5 to 3. The substation will be framed by a narrow linear band of evergreen shrubby honeysuckle. If the intention is to manage this as a hedge it should be planted at closer centres (30cm apart) either in a single or a double staggered row.

WCC Open Space: No comments received

Public Responses: 7 objections and 2 representations in support have been received. A summary of the comments made is provided below.

Objections:

- Irresponsible use of public money to provide the proposed changes to the scheme and for questionable benefit, especially when no one will be able to see or appreciate the historic remains. The money would be better spent elsewhere, including reducing the carbon footprint of the district and helping families suffering through the cost-of-living crisis.
- Costs are unsustainable and not value for money.
- Recent site photographs clearly show that in 1980, the concrete footings for the now demolished structure built in 1980 cut through the medieval remains. These remains have now been carefully excavated, mapped, filmed and preserved by replacing the soil. Does Historic England really think that in 40, 50 or 60 years time, future generations are going to re-study these remains that will sit within 200 concrete or steel piles?
- The facility is already being built to an out-of-date design resulting in both higher energy costs and carbon emissions and the construction of some 200 concrete or steel piles accompanied by a suspended concrete floor slab will substantially increase the carbon footprint of the building. This is inconsistent with the Climate Emergency Action Plan.
- The original foundation solution should be used or the facility moved to an alternative location.
- The plans for the swimming pool should be scrapped. Original lido should have been retained / Lido should be reinstated.
- Discovery of archaeological remains on the site only adds additional reasons to simply not build here
- Hard to accept the new plans of drilling post holes into an Abbey's foundation is being considered an option. The Abbey's foundation is century's old and most likely additional unforeseen problems will arise.
- Abbey Fields is for the Abbey and its history for all to enjoy without swimming pools.
- Impact of the swimming pool construction on users of Abbey Fields and neighbouring residents. Another 3 years of disruption is unacceptable. The pause in construction has negatively impacted the park.

- Proposed plans are damaging to an important local heritage site. Inappropriate to have such a large building in this setting.
- Building design is an eyesore that has no place in a historic setting
- Proposed swimming pool is inferior to neighbouring facilities
- Current plans are far too big for the site and will ruin what is a beautiful leisure space in Kenilworth
- Traffic generation and access are a serious concern due to the very limited parking, poor site access for vehicles and badly lit pedestrian pathways.

Support:

- Kenilworth needs good quality swimming facilities and the proposal will help to mean that the pool is built as soon as possible.
- The pool is an essential facility in the town and will encourage active and healthy lifestyles.
- There has been a pool on this site for over 100 years so it is not a completely new concept for the site.
- With the current Climate Emergency, it does not make sense for swimmers to be travelling a 12-mile round trip to Leamington or Warwick, often several times a week.
- Having attended the open meeting in St Nicholas Church I support the new application and hope that building can resume as soon as possible. This town needs to provide swimming facilities.

ASSESSMENT

Introduction

The application seeks to make a series of changes to planning permission W/21/0170 for the demolition of existing swimming pools and redevelopment to provide two new indoor swimming pools and associated changing facilities and cafe. The proposed amendments have been driven by the discovery of significant medieval archaeological remains below the proposed new building and the need to preserve these remains in situ.

The application is submitted under section 73 of the Town and Country Planning Act 1990 (as amended). Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended.

Under such applications it is only the effect of the proposed change/s together with the conditions imposed on the original permission that fall to be considered. The principle of the development has already been established and is not germane to the assessment of the current application.

Design and Impact on Heritage Assets

Section 72 of the Town and Country Planning (Listed Building and Conservation Areas Act) 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Policy BE1 of the Warwick District Local Plan (2011-2029) and Policy KP13 of the Kenilworth Neighbourhood Plan (KNP) seek to ensure that development proposals achieve a high quality design. The NPPF also places great emphasis on the importance of good design and its role in achieving sustainable development.

Policy KP13G of the KNP provides specific guidance for development within the Abbey Fields Character Area, stating that development should have regard to relevant design characteristics, such as significant views across the Fields; the importance of the lake as a water feature; consideration of the heritage assets within the park; and the importance of trees within the Fields. The policy specifically refers to the [previous] swimming pool and the children's play area occupying a significant location with views from Abbey Hill, that the 1925 bowls pavilion should be retained and that building materials are generally masonry, brick, render, timber cladding and slate tiles.

Paragraph 199 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 202 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.

Policy HE1 of the Local Plan mirrors the above requirements of the NPPF. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

Policy HE4 of the Local Plan relates to archaeology and states that there will be a presumption in favour of the preservation of locally and regionally important sites, except where the applicant can demonstrate that the benefits of development will outweigh the harm to archaeological remains. Paragraphs 194, 195, 199, 202 and 205 of the NPPF are relevant when considering the archaeological heritage asset.

The application is supported by a Heritage Statement which includes a summary of the preserved archaeological remains found during current construction works and considers the impact of the revised design of the development. The application

also includes a series of photomontages that show the approved development alongside the proposed amended design.

The proposed amendments are a direct response to the discovery of well preserved archaeological remains within part of the footprint of the demolished swimming pool. The remains are part of the wider medieval monastic complex of Kenilworth Abbey and make a positive contribution to the significance and understanding of this designated heritage asset. The revised design has been informed by consultation with Historic England and is intended to ensure harm is minimised, including ground beams and pile caps being sited in locations of less archaeological sensitivity.

As part of the consultation on this planning application, Historic England has advised that it has no objection on heritage grounds, with the proposed amendment to the foundation design safeguarding important archaeological remains whilst also ensuring that the form of the proposal remains dominantly the same as that previously approved. The preservation of the archaeological remains is a significant material planning consideration and is to be afforded substantial weight.

While the foundation design would result in the building being raised by 500mm, the overall increase in ridge height is limited to 350mm. This has been achieved by adapting eaves and ridge heights, with high level roof lines and parapets reduced by 150mm. These changes have meant that the pitch of some elements of the roof have also changed slightly, although the supporting information states that this has been limited to areas that cannot be seen from ground level.

As a consequence of lifting the building's foundation, it is also proposed to amend the external ground levels and alter the landscaping around the building to facilitate access. Some minor alterations to some of the fenestration are also proposed, which involve repositioning of plant and fire escape doors for the swimming pool. The detached substation building would be reduced in size.

Officers consider that the proposed increase in the height of the building would be almost imperceptible in the context of the approved development and the overall form of the building would remain true to the original design principles. The proposed amendments to the fenestration, external ground levels and surrounding hard and soft landscaping scheme would also have very limited visual impact. As such, it is considered that the amended proposal would not have any materially greater impact on the character and appearance of the Kenilworth Conservation Area, wider views across Abbey Fields and the setting of nearby built heritage assets in comparison to the approved development. It is worth noting here as well that no changes are proposed to the facing materials. Condition 12 on the original permission requires approval of samples of the facing materials and it would be necessary to reimpose that condition on any new permission granted under this section 73 application.

In summary, given the limited impact that has been identified and considering the significant benefits to the identified archaeological heritage, officers conclude that

the application is acceptable and is in accordance with the aforementioned policies and guidance.

Ecology, Trees and Landscaping

The proposal would result in a small reduction in the overall amount of planting. The proposed path from the relocated fire door to the north-western corner of the main building would replace some of the approved planting in this part of the site, although this would be largely compensated for by a new strip of landscaping between the relocated fire door and the bin store. The proposed changes to the substation would also result in a reduction in climbing plants in this part of the site (5no. reduced to 3no.).

Both WCC Ecology and WCC Landscape team have recommended that some native bulbs are added to the planting scheme. This would help to compensate for the value to pollinators lost through the reduction of honeysuckle around the substation and increase seasonal interest. Officers have requested that the soft landscaping scheme is updated to incorporate this recommendation and a revised plan is awaited. WCC Landscape team has also recommended that the linear band of evergreen shrubby honeysuckle adjacent to the substation should be planted at closer centres (30cm apart), either in a single or a double staggered row, if it is to be managed as a hedgerow.

All existing trees are to be retained as part of the development in line with the existing planning permission. The Tree Officer has not raised any issues with the application.

Some minor changes are also proposed to the boundary treatments, including a short extension of the metal hoop top railing towards the eastern side of the building and inclusion of handrails to the proposed new ramps to the western side of the building. The changes to the boundary treatment are very minor in nature and the design of the features is in keeping with the previously approved boundary treatments.

The proposals do not alter the details already approved under condition 10 of the original planning permission which relates to the provision of bat boxes and hedgehog houses within the site.

Subject to a revised plan to secure some additional compensatory planting, it is considered that the proposed changes to the scheme would not result in any material reduction in the development's biodiversity value or diminish the overall quality of the approved landscaping scheme.

Transport and Parking

There are no changes proposed in relation to transport and parking as part of this application and as such there is no reason to revisit such matters.

Flood risk and drainage

The proposal involves changes to the finished floor levels of the building and external ground levels. The application is accompanied by an updated flood risk assessment (FRA) which considers the risk of flooding to the development and the potential impact on off-site flooding. The Environment Agency has been consulted and has raised no objection, subject to the proposed flood mitigation measures as detailed within the FRA being incorporated into the development (including minimum finished floor levels). A condition is recommended with regards to this.

The proposal involves several minor changes to the approved drainage scheme for the development and updated drainage details have been provided as part of this application. The Lead Local Flood Authority (LLFA) has been consulted on the application and no objections have been raised. The LLFA has however recommended that a separate application is made to vary the drainage details as previously approved under condition 7. Alternatively, updated drainage calculations for the revised drainage scheme would be required to support the re-discharge of condition 7 under the current application. Updated drainage calculations have recently been submitted and the applicant has advised that the proposed changes to the scheme have not affected the outcome of the calculations. The LLFA have subsequently been re-consulted and a response is awaited at the time of writing.

Sustainability

Kenilworth Town Council and members of the public have commented on the sustainability of the building's design. The Town Council has requested that officers ensure that the energy efficiency of the design is maximised and have encouraged a re-consideration of the energy credentials for the development, particularly in the context of the emerging Net Zero Carbon Development Plan Document.

Whilst not yet adopted, weight is to be attached to the Net Zero Carbon DPD when assessing planning applications given that it has reached an advanced stage of preparation, however full weight cannot be afforded to the DPD until it is formally adopted.

The sustainability of the building's design was considered in detail under the original planning application and found to be acceptable, subject to a condition requiring a report to be submitted within three months of the first occupation of the development demonstrating that the approved energy efficiency measures have been implemented in full.

Given that the application is seeking relatively minor changes and has been submitted in response to address a specific issue encountered during construction, officers do not consider that it would be reasonable to now seek to apply different standards to the energy efficiency of the development.

The applicant has confirmed that the proposed amendments would have no impact on the approved Energy Strategy Report approved under the original planning application and it is considered that these remain acceptable for the proposal as amended. It would be necessary to impose a similar condition to ensure the previously approved measures are also provided for the revised scheme.

Other matters

Seven objections have been received as well as two representations in support of the application. Objectors have raised concerns with the cost of the works to preserve the archaeological remains and the value of doing so. However, the cost of the works is not material to the assessment of this planning application. It is only the planning merits that are to be considered and there is a requirement to pay due regard to heritage assets when determining applications, as set out earlier in this report. The proposal provides an appropriate technical solution to safeguarding the medieval remains and the consequential planning impacts, including the changes to the scale and design of the development, have been duly considered by officers and found to be acceptable.

The concerns raised by objectors with regards to the principle of a new swimming pool in this location are also not material to this section 73 application. The issue of impacts arising from construction activities were addressed through a condition for a Construction Management Plan on the original permission. A CMP has been approved and a condition would be necessary to require the development as amended to be carried out in accordance with this document. The other matters raised by objectors are considered to have been addressed within this assessment.

The applicant has submitted an additional ground investigation report to update the previously approved details of condition 8. The ground investigation report includes additional ground gas monitoring completed at the site to provide an updated assessment. Environmental Protection have requested further information/clarification on this alongside details of the proposed methods of ventilation for the building. Such information has recently been submitted by the applicant and Environmental Protection have subsequently been re-consulted.

The proposed changes would have no impact upon the approved Air Quality Assessment report that was submitted in support of the original planning application.

Conclusion

The proposed amendments to the approved scheme would provide a significant benefit by safeguarding important medieval archaeological remains and which make a positive contribution to the significance and understanding of Kenilworth Abbey. In turn, the proposals would help to facilitate the delivery of the new swimming pool complex and the associated benefits that would derive from that (as set out within the assessment of the original application). The consequential effects of the new foundation design on the form and appearance of the development would be limited and would not result in any significant planning impacts over and above the already consented scheme. As such, the application is considered acceptable and is therefore recommended for approval.

The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and the following approved drawings and specification contained therein:

- Proposed Elevations 1 12943-DB3-B01-ZZ-DR-A-20201 Rev P02
- Proposed Elevations 2 12943-DB3-B01-ZZ-DR-A-20202 Rev P02
- Sub-Station Enclosure 12943-DB3-B01-XX-DR-A- 90007 Rev P02
- Proposed Site Sections 12943-DB3-B01-XX-DR-A-90004 Rev P01
- Proposed General Sections 12943-DB3-B01-ZZ-DR-A-20301 Rev P02
- Proposed Site Plan 12943-DB3-B01-XX-DR-A-90002 Rev P05
- Proposed Roof Plan 12943-DB3-B01-RF-DR-A-20003 Rev P02
- Proposed Ground Floor Plan 12943-DB3-B01-00-DR-A-20001 Rev P02
- Overall Landscape Layout 211216 0884 Land V12 L001
- Detailed Soft Landscape Layout 211216 0884 Land V8 L002
- Proposed boundary treatments plan and details 211221 0882 LAND V3 L003
- Fencing and Furniture 21_198_SP01B
- External Works Layout AFK-CCE-00-00-D-C-0322 Rev P02
- Private Drainage Layout AFK-CCE-00-00-D-C-0310 Rev P04

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1, BE3, HE1, HE4 and NE4 of the Warwick District Local Plan 2011-2029 and guidance contained within the National Planning Policy Framework.

2 Archaeology

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the submitted archaeological mitigation strategy document produced by Hampton Heritage Design & Consultancy, reference 'Abbey Fields Leisure Centre, Kenilworth Written Scheme of Investigation: Mitigation', dated May 2023, Version 2.

Reason: In order to ensure that remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029 and guidance contained within the National Planning Policy Framework.

3 Construction Management Plan

The development hereby permitted shall be carried out in accordance with the Construction Management Plan received on 22/03/2022.

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 Construction and Environmental Management

The development shall be carried out in accordance with the Construction and Environmental Management Plan V6 prepared by Kier received on 23/05/2022.

Reason: To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

5 Surface water drainage

* Final wording of condition subject to submission of updated drainage calculations as discussed within this report *

6 Site Investigation

* Final wording of condition subject to submission of further information/clarification to satisfy Environmental Protection, as discussed within this report *

7 Hard and Soft Landscaping

The hard and soft landscaping of the site shall be provided in accordance with the following plans and documents:

- Proposed Site Plan 12943-DB3-B01-XX-DR-A-90002 Rev P05
- Overall Landscape Layout 211216 0884 Land V12 L001
- Detailed Soft Landscape Layout 211216 0884 Land V8 L002 [* subject to additional planting as discussed within this report *]
- Proposed boundary treatments plan and details 211221 0882 LAND V3 L003
- Fencing and Furniture 21_198_SP01B
- Hard Landscape Materials 21_198_SP02

All hard landscaping shown on the approved plans, including boundary treatment, paving and footpaths, shall be completed in all respects within three months of the first use of the development hereby permitted. 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.

8 Bat boxes and hedgehog houses

The bat boxes and hedgehog houses as detailed on the Hedgehog Shelter Location Plan received on 19/05/2022 (Ref 220406-0884 EMEP V1a E001a) shall be provided in accordance with the approved details and thereafter retained as such.

Reason: To ensure a net biodiversity gain in accordance with the requirements of the NPPF and Policy NE2 of the Warwick District Council Local Plan 2011 - 2029.

9 Finished Floor and Ground Levels

The finished floor and ground levels for the development shall be provided in accordance with the following plans and retained as such:

- Proposed Site Sections 12943-DB3-B01-XX-DR-A-90004 Rev P01
- Proposed General Sections 12943-DB3-B01-ZZ-DR-A-20301 Rev P02
- External Works Layout AFK-CCE-00-00-D-C-0322 Rev P02

Reason: In the interests of visual amenity and to preserve the significance of heritage assets and to accord with Policies BE1, BE3, HE1, HE4 and NE4 of the Warwick District Local Plan 2011-2029 and guidance contained within the National Planning Policy Framework.

10 Facing Materials

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.

11 Noise

Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) 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 the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

12 Travel Plan

A Travel Plan shall be submitted to and approved in writing by the Local Planning Authority within 12 months of first use of the approved development to set out how the operator will encourage low emission/sustainable travel to the site by customers and staff. The approved Travel Plan shall be implemented and maintained as such at all times thereafter.

Reason: To promote sustainable forms of transport and to ensure mitigation against air quality impacts associated with the proposed development in accordance with Policies TR2 and NE5 of the Warwick District Local Plan.

13 Heat and Power Plant

The hereby approved Combined Heat and Power Plant shall be installed and maintained to meet the emission limits set out in the Council's Air Quality Supplementary Planning Document and the Air Quality Assessment report reference SLR Ref: 418.05578.00006, Version No: v2.1, May 2021.

Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

14 Flood Risk Mitigation:

The development shall be carried out in accordance with the submitted flood risk assessment (reference Abbey Fields Swimming Pool, Bridge Street, Kenilworth, CV8 1BP, Flood Risk Assessment, Final Report V1.1, dated 28/09/2023) and the following mitigation measures it details:

1. In accordance with section 4.6 of the submitted amended Flood Risk Assessment finished floor levels to be set at 75.65m above ordnance datum

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with the requirements of Policy FW1 of the Warwick District Local Plan 2011-2029 and guidance contained within the National Planning Policy Framework.

15 Tree Protection Measures

The Construction Management Plan approved pursuant to condition 3 shall incorporate the tree protection measures referred to in the Arboricultural Method Statement and appended plans from Wharton Natural Infrastructure Consultants (reference 210324 0884 AMS V1d and issued on 9th June 2021). Throughout the construction of the development hereby approved those tree protection measures shall be implemented in strict accordance with the approved details.

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.

16 Energy Efficiency

Within three months of the first occupation of the development, a report shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the energy efficiency measures detailed within the Revised Energy Strategy Report (Issue 3, March 2021) submitted to the Local Planning Authority on 6th April 2021 have been implemented in full. These measures shall be retained as per the approved details or replaced with a betterment in energy efficiency terms.

Reason: To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029.

17 Maintenance of Surface Water Infrastructure

No occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the Local Planning Authority (LPA) giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan.

Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

18 Fire Safety

The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being brought into use and shall be retained as such.

Reason: In the interests of Public Safety from fire and the protection of Emergency Fire Fighters.
