

A meeting of the above Committee will be held at Shire Hall, Market Place, Warwick on Tuesday 21 May 2024, 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.

## **Part B – Planning Applications**

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

4. **W/23/1560 – Gospel Hall, 2 Priory Terrace, Royal Leamington Spa**  
**(Pages 1 to 7)**
5. **W/23/1726 – Land of Thickthorn, Kenilworth**  
**(Pages 1 to 19)**
6. **W/24/0045 – Castle Farm Leisure Centre, Fishponds Road, Kenilworth**  
**(Pages 1 to 5)**
7. **W/24/0101 – 50 Southam Road, Radford Semele, Royal Leamington Spa**  
**(Pages 1 to 5)**
8. **W/24/0375 - 13 Damson Road, Hampton Magna, Budbrooke, Warwick**  
**(Pages 1 to 6)**

## **Part C – Other matters**

9. **Report seeking Delegated Authority for Officers to Incorporate the Requirements of the Net Zero Carbon Development Plan Document for Planning Applications currently Awaiting the Completion of Section 106 Legal Agreements**  
**(Pages 1 to 2)**
10. **Appeals Report**  
**(To Follow)**

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General Enquiries: Please contact the Committee Services team via email at [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk). Alternatively, you can contact us at:

Warwick District Council, Town Hall, Parade, Royal Leamington Spa, CV32 4AT or telephone 01926 456114.

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](mailto:planningcommittee@warwickdc.gov.uk)

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**Planning Committee:** 21 May 2024

**Item Number:** 4

**Application No:** [W 23 / 1560](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Millie Flynn  
01926 456140 millie.flynn@warwickdc.gov.uk

**Registration Date:** 14/11/23  
**Expiry Date:** 09/01/24

**Gospel Hall, 2 Priory Terrace, Leamington Spa, CV31 1BA**

Erection of single storey rear extension and associated hard landscaping, external works, internal layout changes and formation of a basement FOR Christ Church

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

**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 seeks permission for the erection of a single storey rear extension and associated hard landscaping, external work, internal changes and formation of a basement.

**THE SITE AND ITS LOCATION**

The application site relates to Christ Church (formerly Gospel Hall) situated on Priory Terrace in close proximity to the junction with Church Street, within the Royal Leamington Spa Conservation Area and Leamington Town Centre boundary as defined by the Warwick District Local Plan Proposal Maps.

The main original building dates back to 1848 and originally served as the Vicar's Grammar School. Its architecture is of interest with typical ecclesiastical features including decorative buttresses, arched doors and windows and decorative arches just below the eaves, aligning with the building's original purpose. The site's history and architectural interest are such that the building is considered of local interest and is a non-designated heritage asset. A modern single-storey rear extension is situated to the south of the site. The surrounding area is mixed commercial and residential in character. The adjoining properties at Nos. 4 & 6 Priory Terrace and 3 Church Street are all Grade II\* Listed Buildings. The whole of the application site falls within Flood Zone 2.

**PLANNING HISTORY**

No relevant planning history.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- FW1 - Development in Areas at Risk of Flooding
- TR1 - Access and Choice
- TR3 - Parking
- Net Zero Carbon Development Plan Document
- NZC4 - Existing Buildings
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** No objection.

**WCC Highways:** No objection.

**WCC Lead Local Flood Authority:** No objection.

**WCC Ecology:** No objection, subject to advisory notes.

**WDC Conservation:** No objection.

### **Public Response:**

14 support comments received on the following grounds:

- The proposals will facilitate the growth of the church
- The proposals are sympathetic to the surrounding character
- The proposals will allow for the continuation of community services

12 objections received on the following grounds:

- The proposal does not consider the impacts of flooding
- The proposed excavation works will impact neighbouring uses
- The proposal represents over-development of the site
- The proposal will impact parking
- The proposal will impact the surrounding conservation area
- The proposal will reduce light the adjacent properties
- Lack of cycle parking
- Construction impacts

## **ASSESSMENT**

### Design and Impact on the character of the surrounding Conservation Area

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

Paragraph 205 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 207 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area.

Policy HE2 states 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. This policy seeks to retain the integrity and form of unlisted buildings in conservation areas and recommends resisting alterations which would have an adverse effect upon the overall character of the conservation area.

Policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals should demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form so that the established character of the streetscene is respected. BE1 states that in order to do this the development should adopt appropriate materials and details and respect the surrounding buildings in terms of scale, height, form, and massing.

Policy RLS3 of the Royal Leamington Spa Neighbourhood Plan requires proposals that are within or directly affect the Conservation Area to demonstrate that they harmonise with the existing character of the area in terms of design, scale, and external facing materials. The policy supports the retention, restoration, and reinstatement of period details.

Objections have been received stating that the proposed works will negatively impact the surrounding conservation area. Others refer to the proposals as over-development of the site.

Since the initial submission of the application, the proposal has been amended. Officers considered that the hipped roof design as originally proposed was an incongruous feature within the context of the existing glazed gable end. Therefore, the proposal was amended to include a gable roof design, with glazing to match an existing extension at application property. The proposals have also been amended to ensure the works are constructed of matching brick, as the Conservation Officer considered the use of timber cladding to also be an incongruous feature within the streetscene and surrounding conservation area which would fail to preserve its appearance and character.

The Conservation Officer has been consulted on the amended drawings and raises no objection.

As amended, the proposed development is considered to sit as a comfortably as a well-designed addition to the existing building and its plot and would not result in harm to the character and appearance of the conservation area. The development is therefore considered to be in accordance with the NPPF and Local Plan Policies BE1, HE1 and HE2 and Neighbourhood Plan Policy RLS3.

#### The impact on the living conditions of nearby dwellings

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents. 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 SPD provides a framework for Policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45-degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

With regard to the objections regarding impact on neighbouring uses during the construction phase, Officers note that the works proposed are minor development and these matters are considered to be short lived and not reasonable grounds to withhold planning permission. The decision notice would include guidance on good working practices and separate legislation exists to address a statutory nuisance.

An objection has also been received raising concerns regarding the impact of the proposal on light availability to habitable rooms to the west of the site. Whilst the proposed extension will result in breaches of the 45-degree line from the neighbouring property, the breaches occur at 9.10m and 8.80m and since the Residential Design Guide SPD explicitly states that a breach of the 45-degree line at a distance of over 8.0m is not considered to result in harm to light and outlook, in this case Officers therefore consider this relationship to be acceptable. It is therefore considered the proposal complies with Local Plan Policy BE3.

#### Parking and Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable, and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate

provision for parking for all users of a site in accordance with the relevant parking standards. The Parking Standards SPD seeks to ensure that sufficient parking is provided for the existing and proposed use(s) within the curtilage of the site.

Objections have been received with concerns regarding the impact on parking.

Officers note that there is an existing vehicular access arrangement from Church Terrace to the rear of the site and adjoining properties. It is also noted that there are double access gates that lead to the rear yard, where the proposed single-storey extension is to be sited.

The Parking Standards SPD sets out a standard of 1 space/ 10sqm or 5 seats/ person spaces for places of worship. The existing church and community hall are situated within a mixed commercial and residential area with very limited parking within the curtilage of the site. However, Officers note that the SPD states that a lower provision of parking can be accepted in town centre locations. The application site is a commercial use situated within a highly sustainable location in Leamington Town Centre with good public transport accessibility as well as the provision of public car parks within a reasonable walking distance. It is therefore considered that the proposal is acceptable in terms of parking. The County Highways Authority have been consulted and raise no objection to the proposal.

Objections have also been raised with concerns regarding the lack of cycle provisions proposed. The Parking Standards SPD states that cycle provision for places of worship is to be considered on their own merits and Officers note that the application property is located within the Town Centre, where there are ample opportunities for cycle parking within walking distance to the site.

It is considered that the proposal is not detrimental to highway safety and therefore accords with Policies TR1 and TR3 and the Parking Standards SPD.

### Ecological Impacts

Policy NE2 of the Local Plan seeks to protect designated areas and species of national and local importance for biodiversity and geodiversity. Policy NE3 of the Local Plan states that new development will only be permitted where it protects, enhances and/or restores habitat biodiversity. Policy NE3 of the Local Plan states that new development will only be permitted where it protects, enhances and/or restores habitat biodiversity.

The County Ecologist has raised no objection to the proposals.

It is recommended that any vegetation that may be impacted by works, is checked for nesting birds immediately prior to works commencing. Should nesting birds be found, work should stop immediately, and further notice given.

It is also recommended that due to hedgehogs being recorded in the area, particular care should be taken when clearing the ground and/or storing material on site (materials should be stored on pallets).



WCC Ecology recommend advisory notes be attached to any planning permission to ensure the protection of nesting birds and hedgehogs affected by the proposed development. The Case Officer agrees with the recommendations and considers the imposition of informative notes regarding the protection measures to be appropriate.

Therefore, subject the imposition of explanatory notes, the proposed development is considered to be in accordance with Policies NE2 and NE3 of the Local Plan.

#### Drainage/ Flood Risk

An objection has been received with concerns regarding the information that has been considered by the LLFA.

The application site is located within Flood Zone 2 which has a medium probability of flooding from rivers.

The Local Lead Flood Authority objected to the application due to the lack of information submitted in order to assess the application. Additional information has since been submitted and the LLFA have been re-consulted. The LLFA raise no objection to the proposals.

#### Planning for Climate Change Adaptation

As required by the Council's Net Zero Carbon Development Plan Document (DPD) Policy NZC4, an Energy Statement has been submitted which demonstrates a consideration to sustainable construction and design, in accordance with Local Plan Policy CC1 – Planning for Climate Change Adaptation. The applicant has demonstrated how the requirements for the policy have been complied with, as well as including justification as to why certain measures have not been incorporated.

In addition, alternatives to conventional fossil fuel boilers have not been explored owing to the scale of the development being such that a new heating system will not be necessary.

In light of the above, the proposal is therefore considered to comply with DPD Policy NZC4.

#### **CONCLUSION/SUMMARY**

In the opinion of the Local Planning Authority, the amended proposal is considered to be a good standard of design that would preserve the character and appearance of the conservation area. The proposal will not result in an unacceptable adverse impact on the amenity of neighbouring uses by reason of overbearing effect, loss of light or privacy. The development does not pose risk to highway safety or flooding. The proposal is therefore considered to comply with the aforementioned and is recommended for approval.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 3347\_s3\_300\_d, 3347\_s3\_400\_c and 3347\_s3\_500\_e, and specification contained therein, submitted on 16th January 2024. **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.

**Application No:** [W 23 / 1726](#)

**Town/Parish Council:** Kenilworth  
**Case Officer:** Dan Charles

**Registration Date:** 04/12/23  
**Expiry Date:** 04/03/24

01926 456527 dan.charles@warwickdc.gov.uk

**Land of Thickthorn, Kenilworth**

Application for approval of reserved matters for Phase 2 (revised) for residential Development of 144 dwellings, Public Open Space and ancillary infrastructure relating to appearance, landscaping, layout and scale in pursuance of hybrid planning permission W/20/2020. FOR Stantec

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

**RECOMMENDATION**

That the reserved matters application is **APPROVED**.

**DETAILS OF THE DEVELOPMENT**

This application seeks the approval of reserved matters relating to the appearance, layout, landscaping and scale of the development, following the grant of hybrid planning permission W/20/2020 for up to 550 dwellings, employment land and a local centre, community centre and land for a new primary school together with all ancillary works. The site forms part of allocation H06 within the Local Plan and forms part of the strategic extension to the East of Kenilworth.

This proposal is for the erection of 144 dwellings together with all internal site works as matters reserved from the outline that granted the principle of development and the means of access to the public highway.

**THE SITE AND ITS LOCATION**

The site is located to the southern edge of Kenilworth.

The site was removed from the Green Belt, when the Green Belt boundary was redrawn as part of Warwick District Council’s Local Plan review, and now forms part of a wider site allocation (H06). The allocation seeks the delivery of an urban extension to Kenilworth including new housing, schools, local centre and employment space. The application also incorporates allocation E1 which is identified for 8 hectares of employment land consisting of B1 (now superseded by use class E) and B2 uses.

The site's eastern boundary is formed by the A46, which is part of the strategic highway network, and the north west boundary is defined by the back gardens of the development of Glasshouse Lane and Kenilworth Rugby Club.

To the south-west is the A452 Leamington Road with residential properties situated on the southern side of the road, and to the north east is a public right of way that separates this site from the remainder of the allocated area.

The overall site occupies 31.70 ha of agricultural land with a small woodland along the eastern boundary and with some trees subject to Tree Preservation Orders (TPO). There are some mature hedgerows delineating field boundaries, areas of mature tree belts some located alongside the public footpaths and a limited number of scattered mature trees across the site.

The site generally slopes down gently in a south easterly direction. The low point is gathered at a woodland area within the central eastern edge of the site.

The Grade II\* Registered Stoneleigh Abbey Park and Garden is located some distance to the south east, on the opposite side of the A46, and the Roman settlement at Glasshouse Wood – a scheduled monument – is located to the north east of the application site.

The specific parcel of land that forms this element of the development is located to the Eastern side of the site and is flanked by Glasshouse Lane to the northern boundary, the A46 to the southern boundary and Rocky Lane to the eastern boundary. To the immediate west is additional land forming part of the wider outline planning permission.

As explained below, the site forms parts of the strategic Local Plan allocation H06 and as such is an important aspect of the Council's housing delivery strategy. That strategy supports the ongoing provision of a 5-year housing land supply which itself is crucial in continuing to enable the Council to retain control of the pattern of housing development across the District.

## **PLANNING HISTORY**

**W/22/1990** - Application for reserved matters (phases 2, Local Centre (Retail), Self-Build and Spine Road ) relating to appearance, landscaping, layout and scale in pursuance of hybrid planning permission **W/20/2020 – Pending Consideration.**

**W/20/2020** - Hybrid planning application comprising full planning application for 98 dwellings (Class C3) served via two new vehicular / pedestrian / cycle access connections from Leamington Road, pedestrian and cycle access to Thickthorn Close; strategic landscaping and earthworks, surface water drainage and all other ancillary infrastructure and enabling works and Outline planning application for demolition of existing buildings and structures; residential development of up to 452 dwellings (Class C3); primary school (Class F.1); employment (Class B2); Class E development; hot food takeaway (sui generis), community centre (Class F.2); strategic landscaping and earthworks, surface water drainage and all other

ancillary infrastructure and enabling works with means of site access (excluding internal roads) from the new junction into the detailed parcel of development and access junction off Glasshouse Lane; all other matters (internal access, layout, appearance, scale and landscaping) reserved for subsequent approval – **GRANTED 21.12.2021.**

### **RELEVANT POLICIES**

- National Planning Policy Framework

#### Kenilworth Neighbourhood Plan (2017-2029)

- KP4 - Land East of Kenilworth
- KP8 -Traffic
- KP9 - Cycle Routes
- KP11 - Footpaths
- KP12 - Parking Standards
- KP13 - General Design Principles
- KP15 - Environmental Standards of New Buildings
- KP16 - Industrial Estates
- KP18 - Green Infrastructure
- KP19 - Local green space
- KP20 - Street trees
- KP21 - Flooding

#### Warwick District Local Plan (2011-2029)

- DS1 - Supporting Prosperity
- DS3 - Supporting Sustainable Communities
- DS5 - Presumption in Favour of Sustainable Development
- DS6 - Level of Housing Growth
- DS10 - Broad Location of Allocated Sites for Housing
- DS11 - Allocated Housing Sites
- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- H15 - Custom and Self-Build Housing Provision
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- BE3 - Amenity
- BE5 - Broadband Infrastructure
- BE6 - Electronic Communications (Telecommunications and Broadband)
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking

- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- HS1 - Healthy, Safe and Inclusive Communities
- HS3 - Local Green Space
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS5 - Directing Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- DM2 - Assessing Viability

#### Guidance Documents

- East of Kenilworth Development Brief Supplementary Planning Document (March 2019)
- Custom & Self Build Supplementary Planning Document (July 2019)
- Affordable Housing (Supplementary Planning Document - June 2020)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Public Open Space (Supplementary Planning Document - April 2019)
- Parking Standards Supplementary Planning Document (June 2019)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Kenilworth Design Advice (Shops, Warwick Road area)

### **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** Objection on the following grounds;

- Concern over dwellings in far eastern corner of the site and the impact on these properties from the A46.
- Dismayed at the final location of the local centre.
- Omission of the spine road will cause additional pressure on already busy road network.
- No indication of Biodiversity Net Gain Plan.

**Councillor Pam Redford:** Object due to potential flood risk at Ashow as a result of this development.

**WDC Conservation:** No objection.

**WDC Green Space Officer:** No objection. Scheme has been subject to negotiations and these have been incorporated into the final plans.

**WDC Housing Strategy:** Note that the later phases will address the full requirements for affordable housing mix, therefore, no objection.

**WDC Waste Management:** No objection.

**WCC Flood Risk Management:** Following receipt of updated drainage information, no objection.

**WCC Highways:** No objection. There are a number of minor elements of concern regarding the application. These elements will be reviewed within a Road Safety Audit. In normal circumstances, this would form part of the application but in this case, the Highways Authority considers that this can be secured by condition. Also recommend other conditions and notes relating to the standards required for the roads associated with the development.

**WCC Rights of Way:** No objection subject to condition requiring protection of public rights of way.

**Active Travel England:** No comment.

**National Highways:** No objection.

**Natural England:** No objection.

**Public Response:** A total of 15 objections received on the following grounds;

- Proposal will impact on drainage into the Ashow stream that may result in flooding in Ashow.
- Development must not increase surface water run-off.
- Three storey houses on southern boundary will cause light pollution to historic parkland.
- Increased traffic.
- Concern about creating public access alongside Nos. 38 and 38A Glasshouse Lane.
- Concern regarding accuracy of boundary line at 42 Glasshouse Lane.

## **ASSESSMENT**

As this is an application for the approval of reserved matters, it is not possible to reconsider the principle of development. This was considered in the assessment of the outline planning application and was found to be acceptable.

The outline planning permission also approved the vehicular accesses to the site from Leamington Road and Glasshouse Lane so matters of site access are not for

consideration under this Reserved Matters scheme. Part of the internal spine road to serve this phase of dwellings is to be considered within this application. The remaining element of the spine road will be delivered within the next phase. The proposal also includes the majority of the open space areas including equipped play areas together with all the requirements for SuDS provision to serve the whole site.

Consideration of the current application can only include issues related to the detailed appearance, landscaping, layout (including internal roads only) and scale of the site for the 144 dwellings and proposed.

### **Design and impact on visual amenity and the character of surrounding 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.

Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF insofar 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.

The Warwick District Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

Policy KP13 of the Kenilworth Neighbourhood Plan states that all development proposals should achieve a standard of design that is appropriate to the local area. The Policy sets out a framework for guiding design of new developments. In addition, Policy KP4 of the Neighbourhood Plan relates specifically to the East of Kenilworth Urban Extension.

#### *The Garden Towns, Villages and Suburbs Approach*

The Council's 'Garden Towns, Villages and Suburbs' Prospectus seeks to bring together the key characteristics of the garden suburbs and villages approach, which include coherent and well planned layouts, high quality design and consideration of long term management arrangements. The site is considered to fall within the category of 'neighbourhood edge', lying at the edge of the developable area and adjoining countryside.



Officers consider that the proposed scheme would provide a high-quality residential environment which conforms to the garden suburb design principles. The site exhibits the characteristics of a leafy, well designed residential neighbourhood within which open space and structural landscaping is an integral part, paying particular regard to the areas of Public Open Space within and on the fringes of the development. The large area of Open Space to the East provides a soft edge to Rocky Lane whilst providing a Neighbourhood Equipped Area of Play (NEAP) and a Multi-Use Games Area (MUGA).

The Public Open Space to the south is proposed to be natural in appearance to provide a significant buffer between the site and the A46 corridor. This buffer will create a green edge to the development whilst also providing an offset for the purposes of noise and air quality mitigation from the transport corridor. Within this area of open space opportunities for walking and other recreational activities together with significant tree planting to increase the ecological value of this area of the site.

The proposal incorporates a primary route into the site from Glasshouse Lane creating the spine road that will eventually connect into the junction proposed at Leamington Road to provide a relief road to move traffic away from the St Johns gyratory. The spine road is designed as the primary road and will be flanked by a footpath, two way cycleway and verge with tree planting on the northern side and footpath with verge tree planting to the southern side. At various points through the site, the foot/cycleways link into the open space areas to provide links through the site.

Thereafter, the scheme would provide a legible hierarchy of streets and spaces in accordance with this document with neighbourhood streets off the principle route and access drives meeting 'country lane' dimensions, adjacent to areas of public open space. The proposed dwellings would face onto these areas of public open space to provide natural surveillance.

The Residential Design Guide (2018) sets standards for the distance separation between the windows of habitable rooms in dwellings. For the most part, the development proposes a layout where these minimum separation requirements are satisfied. In some instances, they are exceeded quite substantially. I am satisfied that the scheme creates an overall character of spaciousness, which positively meets the aims and objectives of the garden suburb prospectus and ensures a good standard of amenity for future occupiers.

### Development Brief

The application site is covered by the East of Kenilworth Development Brief to guide the new development on this allocated strategic extension to the town of Kenilworth.

The document has been prepared by Warwick District Council and followed the adoption of the Council's Local Plan 2011-2029 in 2017. The document seeks to guide future development within strategic allocations to the eastern side of

Kenilworth and ensure that development within the sustainable urban extension is delivered in a comprehensive manner.

In preparing the Development Brief, Warwick District Council has undertaken extensive consultation with key stakeholders including Warwickshire County Council, Kenilworth Town Council, landowners, land promoters and infrastructure providers to seek views and inform the content of the document in accordance with the Council's Statement of Community Involvement. In addition to stakeholders, the document has also been through a comprehensive public consultation including drop-in sessions for local residents.

The adopted Development Brief is a Supplementary Planning Document (SPD) and as such, is a material consideration in the determination of planning applications within the area covered by the document. This document provides detailed development principles that expand upon and help interpret existing policies as they relate to the site. There are 8 objectives within the Development Brief which are;

1. Delivery of a mix of housing to create a sustainable community.
2. Delivery of high-quality employment land and employment opportunities that are compatible with adjacent uses.
3. Delivery of an effective and efficient transport system.
4. Delivery of social and community infrastructure including new education establishments to support the new community.
5. Creating a high-quality environment with a strong sense of place that respond sensitively to and takes advantages of the existing environmental characteristics of the site including greenspaces, ecology and heritage assets.
6. Promoting a healthy and safe community.
7. Promoting high quality design.
8. Delivery of utilities and infrastructure to meet the needs of the development.

#### General design and layout considerations

In line with the outline permission, the site is predominantly proposed as two storey units consisting of single dwellings together with some two and a half storey dwellings and apartment buildings.

Feature dwellings are located around the development where key focal points have been identified opposite junctions etc. In addition, dual aspect units are proposed to the corner plots to provide active frontages throughout the development to ensure that all properties engage with the public domain to minimise blank walls etc being present within the local street scene. Where walls are necessary to provide private amenity space, these are set behind landscaped areas that front onto the street to reduce the visual impact of the walls and providing a soft, green edge.

The development is made up of a mix of detached, semi-detached and terraced properties. Where terraced properties are proposed, these are kept to rows of a maximum of 4 units.

This proposal is considered to meet the criteria set out within the Development Brief in general terms and will deliver the first section of the spine road through the site to provide appropriate vehicular, cycle and pedestrian access to serve this parcel of housing whilst providing the link to the wider site. Throughout the site, footpaths and cycleways are proposed to link into the wider site and existing network.

The scheme has been designed to reflect the character of the surrounding housing which responds sensitively to the surrounding development. This element of the development provides the full requirement of open space to ensure a high-quality development and this will allow the open space areas to be delivered earlier within the development.

Officers consider the layout represents an efficient use of land and results in a well-spaced and legible layout that accords with the general design principles set out in the aforementioned design guidance as well as the approved site-wide Masterplan provided at outline stage.

In terms of appearance, the dwellings form a well-designed scheme has been designed to provide character areas throughout the site that define the different areas whilst still retaining a coherent development in terms of the overall design and appearance.

Brick is predominantly proposed with some render and timber cladding added through the development to enrich the palette of materials to create a high quality environment. Architectural detailing such as porches, gablettes, dormers and chimneys are proposed on a proportion of the units and the styles and types of such features differs depending on the house type to add additional character and design features to the development.

Overall, Officers consider that the proposed design and layout would result in an appropriate form of development in visual terms and would not give rise to any harm to the general character of the area.

The proposal is considered to conform with National Guidance set out within the NPPF together with Policy BE1 of the Warwick District Local Plan and additional guidance set out within the Garden Suburbs design document, the Residential Design Guide the Kenilworth Neighbourhood Plan and the Kenilworth Development Brief.

### **Housing mix**

Policy H4 of the Local Plan requires residential development to include a mix of market housing that contributes towards a balance of house types and sizes across the district in accordance with the latest SHMA and as summarised in the most recent guidance document 'Provision of a Mix of Housing' (June 2018), based on current and demographic trends, market trends and the needs of different groups in the community.

As the hybrid permission contained a full planning element of 98 dwellings that had a 20% provision of affordable housing, the remaining phases are required to deliver a higher proportion of affordable units to ensure that the full 40% is achieved across the whole site. The applicants have provided 43.75% affordable units within this phase which will assist in addressing the balance. The final phases will be designed to ensure that the 40% figure is achieved.

This development provides:

Market Housing

<b>Bedrooms</b>	<b>Total</b>	<b>% Proposed</b>	<b>WDC requirement</b>	<b>Difference</b>
1 bedroom	0	0%	5-10%	-5%
2 bedroom	27	33.3%	25-30%	+3.33%
3 bedroom	22	27.16%	40-45%	-12.84%
4+ bedroom	32	39.5%	20-25%	+14.5%

The market housing mix set out is not in accordance with the Housing Mix as set out within the Housing Mix SPD. However, Officers note that this development forms part of a wider, single allocation brought forward under a single planning permission that requires the development to be brought forward in accordance with the housing mix. The future phases must take into account the housing provided within this phase as well as the full permission granted under the original hybrid permission to ensure that the final development provides a policy compliant mix of dwellings across the site. Officers are therefore satisfied that the housing mix is appropriate.

Affordable Housing

The proposed affordable housing mix for this phase of development is as follows:

<b>Bedrooms</b>	<b>Total</b>	<b>% Proposed</b>	<b>WDC Requirement</b>	<b>Difference</b>
1-bedroom	24	38.1%	30-35%	+3.1%
2-bedroom	31	49.2%	25-30%	+19.2%
3-bedroom	6	9.52%	30-35%	-20.48%
4-bedroom	2	3.17%	2-5%	Within range

This proposal would provide 43.75% affordable housing comprising the mix of dwelling sizes set out in the above table.

The figures set out in the table above are not in accordance with the Housing Mix as set out within the SPD.

The proposal has been assessed by the Housing Strategy Officer who notes that overall, there are slight differences between the preferred mix and the proposed

mix but for the social rent, affordable rent and shared ownership units these differences are either relatively minor or balanced elsewhere; for example, the 2 bed shared ownership units are provided as bungalows rather than houses. Given this is one phase of a larger development, there will be opportunities to address minor differences in later phases. The developer should be mindful that the mix will be considered across the whole development when future phases come forward.

There is a more notable difference in the First Homes with there being a significant over provision of 2 bed units at the expense of 3 & 4 bed units. The developer has explained that the price cap applied to First Homes (£250k) makes 3 & 4 bedroom First Homes unviable. Whilst it is accepted that the price cap creates a challenge for delivering larger First Homes, the developer's decision to include First Homes means there will be no 3 or 4 bedroom affordable home ownership options of any type on this phase.

Were this application for a standalone development, the Housing Strategy Officer would consider the absence of 3 & 4 bedroom affordable home ownership options as a reason to object. However, as this is a single phase of a larger scheme, and there is still more than half of the development to come forward, there is reasonable opportunity to address this imbalance. Therefore, whilst uncomfortable with the affordable home ownership mix and the extent of deviation from the preferred mix, the Housing Strategy Officer does not consider an objection is necessary at this stage.

The layout plan illustrates how the affordable housing would be distributed across the site and for this development, the even distribution of affordable housing is welcomed.

Care has been taken within the layout of the scheme to provide an even spread of affordable housing across the site which, having considered the higher than normal percentage on this scheme has been executed well.

In addition to the above, where affordable units are located in clusters, care has been taken to ensure that the tenures are mixed to prevent social exclusion. It is also noted that the applicants propose tenure blind dwellings that are the same as the market range of dwellings so that they are not visually different. This is to be commended.

### **Impact on adjacent properties**

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The East of Kenilworth Development Brief places significant emphasis on ensuring that the amenity of both existing and new properties is satisfactory in terms of disturbance and noise.

Policy KP13 of the Kenilworth Neighbourhood Plan requires an assessment to be made on the impact on existing and future residents as a result of development proposals and potential impacts from noise, light or air pollution must be assessed and addressed.

The key area of the site is the northern boundary where the site flanks the edge of the existing properties fronting onto Glasshouse Lane. Careful consideration has been given to this relationship and the proposal is to have a back-to-back relationship with the properties for those plots located to the rear. The separation distance is well in excess of the required standards.

To the side, the properties proposed fronting onto the revised section of Glasshouse Lane will have a side-to-side relationship with a setback from the road that matches the existing properties, ensuring both continuity in the street scene as well as limiting any potential harm to the amenity of the existing properties.

### **Amenity of future occupiers**

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that does not provide acceptable standards of amenity for future occupiers of a development.

The proposed layout and design of this development is in accordance with the garden suburb approach and having regard to the general ethos of the Development Brief, would provide a high level of residential amenity to the future occupiers of the development within an attractive setting.

The separation distances to surrounding properties are considered to be acceptable, and in many cases are in excess of the minimum separation distance guidance. The proposed development would provide appropriate relationships between neighbouring properties without significant impact upon the amenities of the occupiers.

All garden areas across the site meet or exceed the required garden standards commensurate with the size of property.

The proposed layout and design of this development is in accordance with the garden suburb approach and having regard to the general ethos of the Design Code, would provide a high level of residential amenity to the future occupiers of the development within an attractive setting.

Officers are satisfied that the development is acceptable having regard to Policy BE3 of the Local Plan.

### **Highway Safety**

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate

provision for parking for all users of a site in accordance with the relevant parking standards.

The East of Kenilworth Development Brief places significant emphasis on providing a detailed and effective solution for all transport methods associated with the site and seeks to ensure that sustainable transport methods are prominent within any development proposals.

Policy KP5 of the Kenilworth Neighbourhood Plan states that in considering proposal for new developments that result in additional traffic, priority should be given to pedestrians and cyclists, improve safety and assist traffic flow whilst also accommodating the needs of public transport.

The primary access to the site is from the new proposed access onto Glasshouse Lane and the detail of the access point was approved at the outline stage. This access incorporates the main carriageway, a two-way cycle lane together with footpaths. From the access point, the scheme has a primary spine road that runs centrally through the housing. From this primary road, further minor roads serve the development.

The site has been subject to extensive negotiations with Warwickshire County Council Highways to ensure that all internal roads meet the required specification and are acceptable for adoption.. Whilst the layout on the final plans has been generally agreed with the County Highways Officer, there are a number of elements that have been flagged as an area of concern. These elements are minor in nature and these have been identified as specific points to include within a Road Safety Audit. The Road Safety Audit would form an integral part of the adoption process to ensure that all aspects are safe and would not result in any harm to highway safety. It is standard practice to require the safety audit to be carried out and is used to address minor issues that would not in themselves be a reason to object to the scheme. In this case, it has been determined that this can be secured by condition as the elements are minor. A condition to require the completion of the Safety Audit process is proposed.

Within the site, provision has been made for bus stops to allow the provision of the local bus service into the site to serve the needs of the future occupants. However, it is noted that this would only come into use at the completion of the spine road.

In terms of sustainable transport options, a range of routes through the site are proposed for pedestrians and cyclists. In addition to the main site access, separate connections are also provided for pedestrians and cyclists to connect into Rocky Lane that runs along the eastern boundary of the site and Glasshouse Lane to the north of the site. This provides access for pedestrians and cyclists to the wider area to the east as well as the open countryside to the south.

Wider improvements to the provision of cycleways forms an integral part of the proposed highways works. The spine road is proposed to provide a full off-road cycle way through the core of the site and the site also incorporates a number of other recreational cycle routes giving a range of choice for cyclists.

In terms of parking, each property has an appropriate level of parking in accordance with the Council's Vehicle Parking Standards as well as areas set out for visitor parking. Bin collection points have been provided where necessary for properties off private drives to allow for easy servicing.

Overall, the development is not considered to be detrimental to highway or pedestrian safety and accordingly complies with policies TR1 and TR3 of the Local Plan.

### **Impact on Ecology/Protected Species**

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The East of Kenilworth Development Brief seeks to create a high-quality environment with a strong sense of place that responds sensitively to and takes advantages of the existing environmental characteristics of the site including greenspaces and ecology.

The application site was considered by the County Ecologists at outline stage and the scheme was subject to a suite of conditions to ensure that protected species were not harmed. In addition, Biodiversity Net Gain was assessed and alongside a range of on-site measures, a contribution towards off-site Biodiversity enhancements was secured through the Section 106 Agreement.

I therefore consider that the proposal is acceptable having regard to Policy NE3.

### **Drainage and flood risk**

The site layout in terms of the SUDS ponds generally reflects the earlier submission under the outline planning permission. A suite of drainage conditions were attached to the outline planning permission as the SUDS pond area was previously considered to be acceptable.

The drainage strategy was secured at outline stage following negotiations with the Lead Local Flood Authority (LLFA) to ensure that the site would not result in any increased surface water run off and would also allow for additional storage capacity in line with additional flood risk as a result of climate change.

The submitted layout differed from that shown within the outline drainage strategy and as a result, the preliminary response from the LLFA was one of objection. Following clarification with the LLFA, the drainage layout on the submitted drawings satisfactorily demonstrated that appropriate drainage can be provided on the site and the detailed proposal will be controlled via conditions on the technical specification associated with the outline application.



Based on the updated information no objection is raised by the LLFA to these proposals with regard to the drainage and surface water management.

Officers consider that the development is therefore acceptable in this respect.

## **Open space**

The area of the site proposes the majority of the required public open space for the wider development approved under outline planning permission W/20/2020 and as such incorporates a range of typologies including a Neighbourhood Equipped Area of Play (NEAP), a Multi Use Games Area (MUGA), Local Equipped Areas of Play (LEAP), a trim trail as well as areas of informal open space including a range of off-road footpaths around the development.

This approach will ensure that the public open space is well advanced through this phase and already available for use for the future occupiers of the later phases of the development. This approach is welcomed as it will forward deliver this important aspect of any new housing development.

## **Other Matters**

### Sustainability

As this is an application for reserved matters, it is not possible to impose the Net Zero Carbon DPD Standards on the development as this is a requirement of the outline planning permission phase that sets the parameters for development.

The outline permission was subject to a sustainability condition to improve the required standards of housing on the site so the site will still benefit from improved energy efficiency.

### Trees/Hedgerows

A key aspect of the East of Kenilworth Development Brief is the retention of trees and hedgerows within the development sites.

The site benefits from existing trees and hedgerows and where possible, these have been incorporated into the design to increase both the amount of green space and also retain the existing ecological corridors. The site layout has given specific regard to these features and the scheme designed around them which is considered a benefit of the site.

The proposal incorporated significant additional planting across the site in both the public realm and private garden areas.

Officers are satisfied that the resultant scheme is of a high landscape standard.

### Waste Storage

All properties are provided with appropriate bin storage areas to the rear of properties to ensure that refuse is stored away from the public realm. In addition, where private drives are used, bin collection points are provided to allow the bins to be serviced by the Council Waste Service.

## **Conclusion**

Officers consider the proposed development would provide a high-quality residential environment in accordance with the Kenilworth Development Brief and the garden suburbs principles, including an appropriate mix of market and affordable housing and acceptable dwelling house and layout design solutions, including landscaping and substantial areas of public open space.

There would be no harm arising in terms of neighbour amenity, highway safety or ecology and as such it is considered the scheme therefore complies with the policies listed. Accordingly Officers recommend that the reserved matters be approved.

## **CONDITIONS**

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1099 - 77A - Argyll Salcy -Floor Plans, 1099 - 78A - Argyll & Salcy Elevations, A1099\_02G\_Planning Layout Sheet 1, A1099\_02G\_Planning Layout-Sheet 2 Composite, A1099\_02G\_Planning Layout-Sheet 3 Colour Presented Layout, A1099\_03C\_Massing Plan, A1099\_04D\_Enclosures Plan, A1099\_05C\_Occupancy Plan, A1099\_06C\_Materials Plan, A1099\_07D\_Refuse Plan, A1099\_08D\_Affordable Housing Plan, A1099\_09D\_Parking Plan, A1099\_10C\_Garden Area Plan, A1099\_11C\_Character Area Plan, A1099\_12C\_Chimney Location Plan, A1099\_13C\_External Surfacing Plan, A1099\_14C\_Street Hierarchy Plan, A1099\_15D\_EV Charging Arrangements, A1099\_16C\_Land Use Plan, A1099\_19B\_Street Scenes, A1099\_21B\_Geometry Plan, A1099\_23B\_Cycle Route Plan, A1099\_30C\_House Type Brochure, GL2264 01D Plot Landscape Proposals (Sheet 1 of 3), GL2264 02D Plot Landscape Proposals (Sheet 2 of 3), GL2264 03D Plot Landscape Proposals (Sheet 3 of 3), GL2264 04D Infrastructure Landscape Proposals (Sheet 1 of 3), GL2264 05D Infrastructure Landscape Proposals (Sheet 2 of 3), GL2264 06D Infrastructure Landscape Proposals (Sheet 3 of 3), GL2264 07D LEAP Proposals, GL2264 08C Trim Trail Proposals, GL2264 09C NEAP & MUGA Proposals and specification contained therein, submitted on 3 May 2024 and;

Approved drawings 06106-D1-0100-P4 Adoption Plan Overview, 06106-D1-0101-P4 Adoption Plan Sheet 1 of 5, 06106-D1-0102-P4 Adoption Plan Sheet 2 of 5, 06106-D1-0103-P4 Adoption Plan Sheet 3 of 5, 06106-D1-0104-P4 Adoption Plan Sheet 4 of 5, 06106-D1-0105-P4 Adoption

Plan Sheet 5 of 5, 06106-D1-0110 P4 Geometry Plan Overview, 06106-D1-0111 P4 Geometry Plan Sheet 1 of 5, 06106-D1-0112 P4 Geometry Plan Sheet 2 of 5, 06106-D1-0113 P4 Geometry Plan Sheet 3 of 5, 06106-D1-0114 P4 Geometry Plan Sheet 4 of 5, 06106-D1-0115 P4 Geometry Plan Sheet 5 of 5, 06106-D1-0120 P4 Visibility Plan Overview, 06106-D1-0121 P4 Visibility Plan Sheet 1 of 5, 06106-D1-0122 P4 Visibility Plan Sheet 2 of 5, 06106-D1-0123 P4 Visibility Plan Sheet 3 of 5, 06106-D1-0124 P4 Visibility Plan Sheet 4 of 5, 06106-D1-0125 P4 Visibility Plan Sheet 5 of 5, 06106-D1-0130 P4 Visibility Private Driveways Overview, 06106-D1-0131 P4 Visibility Private Driveways Sheet 1 of 5, 06106-D1-0132 P4 Visibility Private Driveways Sheet 2 of 5, 06106-D1-0133 P4 Visibility Private Driveways Sheet 3 of 5.pdf, 06106-D1-0134 P4 Visibility Private Driveways Sheet 4 of 5, 06106-D1-0135 P4 Visibility Private Driveways Sheet 5 of 5, 06106-D1-0140 P4 Refuse Vehicle Tracking Overview, 06106-D1-0141 P4 Refuse Vehicle Tracking Sheet 1 of 2, 06106-D1-0142 P4 Refuse Vehicle Tracking Sheet 2 of 2, 06106-D1-0150-P4 Fire Tender Vehicle Tracking Overview, 06106-D1-0151-P4 Fire Tender Vehicle Tracking Sheet 1 of 2, 06106-D1-0152-P4 Fire Tender Vehicle Tracking Sheet 2 of 2, 06106-D1-0160 P4 MPV Vehicle Tracking Overview, 06106-D1-0161 P4 MPV Vehicle Tracking Sheet 1 of 5, 06106-D1-0162 P4 MPV Vehicle Tracking Sheet 2 of 5, 06106-D1-0163 P4 MPV Vehicle Tracking Sheet 3 of 5, 06106-D1-0164 P3 MPV Vehicle Tracking Sheet 4 of 5, 06106-D1-0165 P4 MPV Vehicle Tracking Sheet 5 of 5, 06106-D1-0170 P4 S38 Plan Overview, 06106-D1-0171 P4 S38 Plan Sheet 1 of 5, 06106-D1-0172 P4 S38 Plan Sheet 2 of 5, 06106-D1-0173 P4 S38 Plan Sheet 3 of 5, 06106-D1-0174 P4 S38 Plan Sheet 4 of 5, 06106-D1-0175 P4 S38 Plan Sheet 5 of 5, 06106-D1-0180 P4 Preliminary Infrastructure Overview, 06106-D1-0181 P4 Preliminary Infrastructure Sheet 1 of 5, 06106-D1-0182 P4 Preliminary Infrastructure Sheet 2 of 5, 06106-D1-0183 P4 Preliminary Infrastructure Sheet 3 of 5, 06106-D1-0184 P4 Preliminary Infrastructure Sheet 4 of 5, 06106-D1-0185 P4 Preliminary Infrastructure Sheet 5 of 5, 06106-D1-0200 P4 Road Hierarchy Plan Overview, 06106-D1-0400 P4 Crossings Overview, 06106-D1-0401 P4 Crossings Sheet 1 of 5, 06106-D1-0402 P4 Crossings Sheet 2 of 5, 06106-D1-0403 P4 Crossings Sheet 3 of 5, 06106-D1-0404 P4 Crossings Sheet 4 of 5, 06106-D1-0405 P4 Crossings Sheet 5 of 5, 06106-D1-0410 P4 Bus Vehicle Tracking Overview, 06106-D1-0411 P4 Bus Vehicle Tracking Sheet 1 of 2, 06106-D1-0412 P4 Bus Vehicle Tracking Sheet 2 of 2, 06106-D1-0190 P4 Preliminary Drainage - Overview, 06106-D1-0191 P4 Preliminary Drainage - Sheet 1 of 5, 06106-D1-0192 P4 Preliminary Drainage - Sheet 2 of 5, 06106-D1-0193 P4 Preliminary Drainage - Sheet 3 of 5, 06106-D1-0194 P4 Preliminary Drainage - Sheet 4 of 5, 06106-D1-0195 P4 Preliminary Drainage - Sheet 5 of 5, 06106-D1-0196 P4 Preliminary Basin Sections, 06106-D1-0197 P4 Flow Model Reference (West), 06106-D1-0198 P4 Flow Model Reference (East), 06106-D1-0199 P3 Exceedance Flow Plan, and specification contained therein, submitted on 7 May 2024.

**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.

2 No development shall commence, including any site clearance, until:

a) a Stage 1 Road Safety Audit Brief has been submitted to and approved by the Planning Authority, in consultation with the Highway Authority.

b) a Stage 1 Road Safety Audit Report and Designer's Response (including Appendix D) has been submitted to and approved by the Planning Authority, in consultation with the Highway Authority

The RSA process must be completed in full with any problems raised throughout the process suitably overcome and agreed as acceptable by the Highway Authority.

The development shall not be occupied until it has been laid out and constructed in general accordance with those plans approved by this condition, including vehicular, pedestrian, cycle and other non-motorised user provision.

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

3 No development shall commence until detailed plans have been submitted to and approved by the Planning Authority, in consultation with the Highway Authority, showing detailed design including the layout and provision of any pedestrian, cycle and other non-motorised user infrastructure to be provided within the site. The development shall not be occupied until the site has been laid out and constructed in general accordance with the approved plans.

**Reason:** In the interests of sustainable transport provision in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

4 The construction of the estate roads serving the development including footways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority.

**REASON:** To ensure that a pavement and verge crossing is available for use when the development is completed thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029

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

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

- 6 Prior to first occupation, a plan will be required to be submitted detailing the provision and placement of 20mph zone signs at the entrance into the side roads of the development for the approval of the Local Planning Authority in consultation with the Highway Authority.

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

- 7 No structure, tree or shrub shall be erected, planted, or retained within the visibility splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

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

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**Application No:** [W 24 / 0045](#)

**Town/Parish Council:** Kenilworth  
**Case Officer:** Erin Weatherstone  
01926 456648 Erin.weatherstone@warwickdc.gov.uk

**Registration Date:** 29/02/24  
**Expiry Date:** 25/04/24

**Castle Farm Leisure Centre, Fishponds Road, Kenilworth, CV8 1EY**  
1x Scout and Guide Flagpole Advertisement; 1x Totem Welcome Sign for Everyone Active (to be located at the entrance to the main car park area); 2x (Fascia) Scout and Guide Logos (to be located on the building frontage of the Scout and Guide Centre); and 4x Wayfinding Signposts (to provide directions to the various facilities in the area); 3x Fascia Signs reading 'Entrance', 'Castle Farm Sports Centre' and 'Kenilworth Scout & Guide Centre' respectively which are already in situ (located on the building frontage of the Scout and Guide Centre). FOR Warwick District Council

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This application has been triggered to be considered by Members at Planning Committee because the application has been submitted by Warwick District Council and is not for a routine minor development.

**RECOMMENDATION**

Planning Committee are recommended to APPROVE Advertisement Consent.

**DETAILS OF THE DEVELOPMENT**

Advertisement Consent is sought for the erection of several new advertisements around Castle Farm Leisure Centre complex. The advertisements include 3 fascia signs and 2 logo signs on the existing building, 4 Way Finding Signposts, a Totem Welcome Sign and 1 flagpole with a Scout and Guide advertisement. The works are part retrospective.

**THE SITE AND ITS LOCATION**

The application site lies to the west of Kenilworth Town with vehicular access from Fishponds Road. The site lies in the West Midlands Green Belt and forms a parcel of land which contains Castle Farm Leisure Centre (which was granted planning permission by reference W/24/0169) with associated parking and external areas (including parking, and skatepark), which adjoins countryside to the west. The site lies within Coventry Airport Safeguarding area.

**PLANNING HISTORY**

W/21/0169- Demolition of existing sports centre and erection of new sports centre and Scout and Guide Headquarters with associated parking and landscaping. Granted 20/10/2021.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- TR1 - Access and Choice

### Kenilworth Neighbourhood Plan (2017-2029)

- KP7 - Castle Farm
- KP13 - General Design Principles

### Guidance Documents

- Kenilworth Design Advice (Shops, Warwick Road area)

## **SUMMARY OF REPRESENTATIONS**

Kenilworth Town Council: Members welcome the new wayfinding signs and their link with the local design guidance (22/03/2024).  
No objection (03/05/2024).

WCC Highways Authority: No objection (09/05/2024).

**Public response:** No representations received.

## **ASSESSMENT**

Express Advertisement Consent is sought for a series of advertisements around the application site linked to the Leisure Centre Use and Scout and Guide use.

When considering Advertisement Consent applications, The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) states that powers may be exercised in the interest of amenity and public safety only taking into account the provisions of the development plan so far as they are material and any other relevant factors including heritage.

Paragraph 141 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed. It continues to state that advertisements should be subject to control only in the interest of amenity and public safety, taking into account of cumulative impacts. Furthermore, the NPPG states that

Amenity

The application site does not form part of an existing streetscene and is set to the west of Fishponds Road, located to the rear of the existing residential development. To the north and west of the site lies open countryside.

Advertisement consent is proposed for several signs within the complex of Castle Farm Leisure Centre and associated Scout and Guide Headquarters which includes the parking area, skate park and associated open space.

Policy BE1 seeks to ensure that development positively contributes to the character and quality of its environment including the need to reflect, respect and reinforce the local architectural and historical distinctiveness of the area and adopt appropriate materials.

NDP Policy KP13 seeks to ensure that proposals achieve a standard of design that is appropriate to the local area and there is a positive response to the site and surroundings. Furthermore, the Kenilworth Guidance on Shopfronts is a material consideration and provides design advice. With respect to fascia signs, it states that these should be proportionate to the scale of the building and that any lettering will generally have a height of 300mm or less.

The proposal includes the erection of a new Totem sign which will measure approximately 2.4m in height with a width of 1.2m. This sign will display the facilities and a description of the site. This sign will be set edge of the access road within the application site. The siting will be on the edge of the Root Protection Area of the existing trees and officers are satisfied that this will not result in unacceptable harm to these trees which result in an adverse amenity impact.

Throughout out the site four fingerposts are proposed, these will be located at various junctions across the external areas. Three signs are proposed along the east of the site. The fingerposts will measure approximately 2.9m in height to the highest point with projecting signs which measure approximately 0.8m long and 0.1m in depth. The fingerposts will be circular in design, will be constructed of steel and will be finished with a coated finish with a finial at the top of the post.

On the front elevation of the building a number of signs are proposed including individual lettered signs and two logos. These signs are retrospective. These will be finished in a soft palette of colour including, purple and grey which officers consider will be sympathetic to the character of the host building. The scale of the signs proposed are considered to be of an appropriate scale to the host building.

To the rear of the host building a new 8m flag pole is proposed. This element is retrospective and is located along the western boundary of the outside space located to the rear of the building. The flagpole proposed is constructed of fibreglass.

The site lies in a semi-rural area and officers consider that the signs will be viewed within the context of the wider Leisure development and be of an appropriate scale. In addition, the submission confirms that the signs will not be illuminated which officers consider will be sympathetic to the semi-rural character of the site.

Subject to the proposal being carried out in accordance with the approved plans, which can be secured via condition, officers are satisfied that the proposal does



not give rise to harm to the amenity of the area having regard to Policy BE1 and NDP Policy KP13.

### Public Safety

The application site lies to the west of Fishponds Road and is accessed via an existing access which serves the Leisure Centre Building and Scout and Guide Headquarters. The proposed signs will be non-illuminated and set within the application site which contains an existing parking area and internal access roads.

In line with Policy TR1 proposals are only permitted if they do not result in a detrimental impact on highways safety. Furthermore, paragraph 114 of the NPPF states that proposals should only be refused on highways safety grounds where they would result in an unactable impact on highways safety.

In response to the application WCC Highway Authority has raised no objection to the development.

Having regard to the proposal officers area satisfied that the proposal is not considered to give rise to any adverse public safety concerns or highways safety matters having regard to Policy TR1 and paragraph 114 of the NPPF.

### Conditions

All advertisements are subject to the Standard Conditions set out in Schedule 2 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

## **CONDITIONS**

- 1 The advertisement(s) hereby permitted shall be displayed strictly in accordance with the details, contained within the Application form and shown on the site location plan and approved drawing(s):
  - Totem Sign- Drawing No. 01, Rev 01 (Dated 21/11/2023)
  - Proposed Flagpole Details and Specifications
  - Scout and Guide Logo Details Plan and Specifications
  - Fingerpost Plan (ST2)
  - North and East Elevation Plans (Revision C02)
  - Proposed Site Plan.

**Reason:** For the avoidance of doubt and to secure a satisfactory form of advertisement which has an acceptable impact on amenity and public safety.

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**Planning Committee:** 21 May 2024

**Item Number:** 7

**Application No:** [W 24 / 0101](#)

**Town/Parish Council:** Radford Semele  
**Case Officer:** James Moulding

01926 456728 james.moulding@warwickdc.gov.uk

**Registration Date:** 26/02/24

**Expiry Date:** 22/04/24

**50 Southam Road, Radford Semele, Leamington Spa, CV31 1TA**

Demolition of garage element of existing rear outbuildings. Erection of detached garage adjacent to existing rear outbuildings. FOR Mr Scott Andrews

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This application is being presented to Committee due to an objection from the Parish Council having been received.

**RECOMMENDATION**

It is recommended that the application is GRANTED for the reasons set out in this report.

**DETAILS OF THE DEVELOPMENT**

Demolition of garage element of existing rear outbuildings. Erection of detached garage adjacent to existing rear outbuildings.

**THE SITE AND ITS LOCATION**

The application relates to a dwellinghouse in Radford Semele. There are no geospatial restrictions.

**PLANNING HISTORY**

W/17/0853 - Replace and rebuild part of garage/outbuilding to create hobby garage for personal use - GTD

W/22/0899 - Replacement of existing outbuilding and erection of new outbuilding - GTD

**RELEVANT POLICIES**

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- [Guidance Documents](#)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- [Radford Semele Neighbourhood Plan 2019-2019](#)

## **SUMMARY OF REPRESENTATIONS**

### **Radford Semele Parish Council:** Objection:

- Excessive height - 4m,
- Submitted plans do not show height of existing garage,
- Re-siting of garage against neighbouring boundary must be un-neighbourly development.
- Vehicular access past dwellinghouse is restricted.

### **WCC Ecology:** Objection:

- Photos should be provided to determine need for bat survey.

**Public Response:** No representations.

## **ASSESSMENT**

### **BE1 Design**

The NPPF (2023) places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 135 states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate external facing materials. Development is expected to function well and add to the overall quality of the area by appearing sympathetic to the local character and history.

Local Plan Policy BE1 echoes paragraph 135 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use. Proposals are also expected to reinforce or enhance the established urban character of streets and reflect, respect and reinforce local architectural distinctiveness. The Council's adopted Residential Design Guide SPD provides guidance to help make the assessment of good design under Policy BE1.

The proposed outbuilding would be located in the rear garden of the application property and would not be visible from the street scene. It is also noted that the proposed outbuilding would be similar in design to that which was approved under W/22/0899 - albeit 10cm taller, 30cm wider, and 40cm longer - and it is on that basis that there is no objection to the proposed design or materials.

An objection to the design of the outbuilding has been raised by Radford Semele Parish Council in relation to the proposed height of 4 metres being excessive.

As Permitted Development Schedule 2, Part 1, Class E permits the erection of outbuildings with a dual-pitched roof at a height of 4 metres without planning permission, it is therefore considered that the precedent for the proposed height

is well established in the planning legislation and find no reason to deem this excessive.

It is therefore considered that the proposed development complies with Local Plan Policy BE1.

### BE3 Neighbouring Amenity

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents. Furthermore, the Residential Design Guide Supplementary Planning Document includes the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

The proposed development would result in a 4 metre high outbuilding directly adjacent to a shared boundary. Radford Semele Parish Council has also raised objection to the development on the grounds of this constituting un-neighbourly development.

There are several mitigating factors which would reduce the impact of the proposed development on neighbouring amenity to the degree that, on balance, refusal on these grounds would be unreasonable.

Firstly, the development in question would be a total of 10 centimetres taller than the previous approval under W/22/0899. Given that the precedent of 4 metres is given under permitted development, it is not considered that this increase from 3.9m to 4m would tip the proposed development into the realm of unacceptability. It is noted that the width of the proposed development is also increasing by 30 centimetres, however, it is not considered that increases in this dimension are as impactful as height. It should also be noted that due to the angled rear wall, this increase in width would represent a 20 centimetre increase to the face adjoining the neighbouring boundary, from 5.6 metres to 5.8 metres.

Secondly, the proposed development would be at the rear end of the neighbouring garden. This is 47 metres away from the neighbouring dwellinghouse and as such is not considered to represent an impact to any habitable rooms. While the impact on outdoor private amenity space should be considered, this should be taken on balance with the size of the amenity space impacted, the severity of the impact, and again, the fact that previous development permits a 3.9 metre structure.

Thirdly, the design of the proposed outbuilding is such that the dual-pitched roof is sloping away from the neighbouring garden. This results in the ridge of the roof at 4 metres in height being 2.8 meters away from the neighbouring boundary at its closest point. Due to the angled rear wall, the eaves on the neighbouring boundary would be 2.4 metres and 2.75 metres respectively.

Finally, it is noted that no objection comments have been received from neighbouring properties for this proposed development or the previous proposal under W/22/0899.

It is on the consideration of all the above factors that Officers consider the proposed development to be of a minimal increased impact over the previous approval and not substantive enough to warrant a change in assessment.

It is considered that the proposed development would comply with Local Plan Policy BE3 and the Residential Design Guide SPD.

#### Ecology - NE2

The County Ecologist has objected to the proposal until photos are provided to assist in determining whether or not a bat survey should be required.

In considering this request I am mindful of the fact that the demolition of the existing structure does not require planning permission. After conducting my site visit, it is the case that this part of the structure is no longer present. As such a bat survey is not relevant.

#### Net Zero DPD - NZC4

It is noted that the proposed structure would be a garage. In this sense, the structure will not be heated, airtight, or habitable. To this degree the considerations under NZC4 are not considered relevant.

#### Other Matters

Further points of objection raised by the Parish Council were that the existing plans do not show the height of the existing garage and that vehicular access alongside the dwellinghouse is restricted.

It is not considered that the vehicular access alongside the dwellinghouse is a material consideration of the assessment of the outbuilding in question. Nevertheless, access is sufficient for most vehicles.

The existing plans submitted contain a scale bar and as such the height of the existing structure can be measured at 4 metres for the proposed dual-pitched structure and 2.85 metres for the previous element that is being replaced.

#### **Summary**

The proposals are considered to have an acceptable impact on the character and quality of the street scene through the proposed layout, building materials and scale of the development. The proposals would also have an acceptable impact on the living conditions of neighbouring dwellings. The proposals are therefore in accordance with Local Plan Policies BE1, BE3, and the Residential Design Guide SPD. It is recommended this application is granted.

#### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
  
  - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 2 and 3, and specification contained therein, submitted on 26/02/2024. **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.
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**Planning Committee:** 21 May 2024

**Item Number:** 8

**Application No:** [W 24 / 0375](#)

**Town/Parish Council:** Budbrooke  
**Case Officer:** Thomas Senior

**Registration Date:** 18/03/24  
**Expiry Date:** 13/05/24

01926 456539 thomas.senior@warwickdc.gov.uk

**13 Damson Road, Hampton Magna, Budbrooke, Warwick, CV35 8TH**  
Erection of first floor rear extension (retrospective application) FOR Mr B Field  
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This application is being presented to Planning Committee due to the number of objections received.

### **RECOMMENDATION**

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

### **DETAILS OF THE DEVELOPMENT**

Planning permission was granted in September 2021 for the erection of a single storey rear extension and new front bay window with canopy roof, but a two-storey extension has been built. Retrospective planning permission was sought for the erection of a first-floor rear extension over the previously approved single storey extension last year, but was refused by Planning Committee, contrary to Officer's recommendation. This is a repeat of that proposal.

### **THE SITE AND ITS LOCATION**

The application property is comprised of a two-storey detached dwelling located on the north side of Damson Road in Hampton Magna, Warwick. The streetscene is characterised by a mix of detached and semi-detached properties, which are primarily comprised of brick finishes, however rendered finishes are also present, with one of these being the application property.

### **PLANNING HISTORY**

W/20/2173 – Erection of a single storey rear extension and new front bay window with canopy roof - Granted.

W/23/0651 – Erection of a first-floor rear extension (retrospective application) - Refused by Planning Committee, for the following reason:

*"Policy BE3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. Furthermore, the Residential Design Guide Supplementary Planning Document includes minimum separation distance*



*standards which aim to prevent any unreasonable effect on the neighbouring properties by reason of loss of privacy.*

*The proposal does not comply with the Council's Residential Design Guide SPD in terms of the required minimum 22m separation distance and would therefore result in unacceptable overlooking and inadequate privacy that would impact the occupiers of properties to the immediate rear of the application site.*

*The proposal is thereby considered to be unneighbourly and contrary to the aforementioned policies".*

## **RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR3 - Parking
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document- June 2018)
- Net Zero Carbon Development Plan Document
- NZC4 - Existing Buildings
- Budbrooke Neighbourhood Plan (2018-2029)
- BNDP7 - Design of Development in Budbrooke Parish

## **SUMMARY OF REPRESENTATIONS**

**Budbrooke Parish Council** - No response received.

**WCC Ecology** - No objection, recommended condition attached.

### **Public Response -**

6 objections have been received from the occupiers of Nos. 4, 5 and 6 Hayward Close and 36 Cherry Lane on grounds of overlooking and loss of privacy, loss of light and the development being out of character in this locality.

3 support comments have also been received.

## **ASSESSMENT**

### Design and impact on character and appearance of the streetscene

The NPPF (2023) places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 135 states that planning decisions should ensure that developments are visually

attractive as a result of good architecture, layout and appropriate external facing materials. Development is expected to function well and add to the overall quality of the area by appearing sympathetic to the local character and history.

Local Plan Policy BE1 echoes paragraph 135 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use. Proposals are also expected to reinforce or enhance the established urban character of streets and reflect, respect and reinforce local architectural distinctiveness.

The Residential Design Guide SPD sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

Budbrooke Neighbourhood Plan Policy BNDP7 states that new development within the area will be supported where it makes a positive contribution to local character and be of good design and quality. In seeking to protect and enhance the unique identity of the area, where relevant all development will be expected to contribute to local identity, and sense of place. This includes being suitable in terms of the overall design and appearance of the proposed development.

The first-floor rear extension subject of this application sits over the footprint of the approved single storey rear extension, with the western side of the extension stepped back by a metre from this projection. The extension has limited impact on the streetscene due to the siting to the rear of the property. An objection has been received from one of the occupiers of 5 Hayward Close, who raised concerns in relation to no white render being present at the rear of any of the houses along Damson Road. However, the application of white render to the entire exterior of the application property was approved under the previous application (ref: W/20/2173) and as such, the addition of white render to the proposed first-floor extension is considered to represent an appropriate material finish which ensures harmonious integration with the main dwelling. A couple of the objections received have also highlighted concerns relating to the bi-fold doors across large proportions of the rear of the house. The presence of these bi-fold doors were assessed under the previous application and were granted permission.

The development is considered to respect the original dwellinghouse and does not result in a harmful impact upon the character and appearance of the area. The proposed development is therefore considered to be in accordance with Local Plan Policy BE1, the Residential Design Guide SPD and Policy BNDP7 of the Budbrooke Neighbourhood Plan.

#### Impact on neighbouring properties and the current and future occupiers of the development

Warwick District Local Plan Policy BE3 requires that development must have an acceptable impact on the amenity of all neighbouring residents, in terms of light,

outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states how extensions should not breach a 45-degree line taken from the nearest habitable room of the neighbouring property. This aims to prevent any unreasonable effect on the neighbouring dwelling, by reason of loss of light, unneighbourly effect or disturbance/intrusion from nearby uses. Policy BE3 also requires that all development should ensure that acceptable standards of amenity space are provided for existing and future occupiers of the development site.

The previously approved single storey rear extension did not result in a breach of the 45-degree line from either of the neighbouring properties and was therefore considered to be in accordance with the Residential Design Guide SPD. Similarly, the scale and siting of the first-floor rear extension does not result in a breach of the 45-degree line from any of the existing windows that serve neighbouring habitable rooms on both the ground and first floor. Consequently, the development does not result in an unacceptable loss of light or outlook to the occupiers of the neighbouring properties within Damson Road.

Multiple objection comments have been received by occupiers of the properties which lie to the immediate north of the site along Hayward Close, with objection comments received from three of these properties as well as one property along Cherry Lane on grounds of loss of privacy through increased levels of overlooking both into their rear private amenity spaces and properties. The Residential Design Guide SPD stipulates that the separation distance between a two-storey dwelling, and a bungalow or two-storey dwellinghouse should be 22.0m. The first floor rear extension results in separation distance of approximately 19m, however, Officers consider that there are a number of site specific reasons which justify a small departure from this.

Firstly, there are already existing properties present to the west of the application site, (Nos. 7 and 9 Damson Road), which sit approximately 13m and 16m respectively from the rear of their opposing dwellings. The direct neighbour of the application property at No.11 received planning permission for a first-floor rear extension with a separation distance of 19m in 2001. The distance separation guidance having been ratified and in place since 1996. The main factor which indicates why a small deviation from this adopted separation distances standards is considered acceptable relates to the angled relationship between the rear of the properties concerned. The potential risk of direct overlooking into neighbouring properties is reduced as a result of the angles of the plots with there being no direct, straight line of sight into neighbouring properties.

Within a few of the objections, concerns were also raised in relation to the footprint of the extension and the impact it will have on the amenity space available to future occupiers. The first-floor extension will result in the addition of two extra bedrooms, bringing the overall number of bedrooms up from two to four. Consequently, in order to be in accordance with the Residential Design Guide SPD, the property should benefit from a minimum of 60sqm worth of private amenity space. The resultant private amenity space still satisfies these standards, with there being approximately 73sqm of private amenity space following the erection

of the proposed extensions. As such, the application site will benefit from an area of private amenity space which is comfortably in accordance with the requirements set out within the Residential Design Guide SPD.

Overall, therefore, the proposed development is considered to comply with Local Plan Policy BE3 and justify the slight deviation away from the Residential Design Guide SPD due to the aforementioned site-specific circumstances.

Ecology

Local Plan Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to the wider biodiversity objectives and connectivity. Policy NE2 goes on to state that all proposals likely to impact on these assets will be subject to an ecological assessment.

The County Ecologist has noted how this application is retrospective and has subsequently requested that a bat box condition be implemented on any forthcoming approval.

Subject to the compliance with this specific condition, the proposal is considered to be in accordance with Local Plan Policy NE2.

Parking

Local Plan Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards SPD.

The development as built increases the number of bedrooms from two to four. This increase results in an increase in the number of allocated spaces required by the SPD from two to three spaces.

It is noted from the plans provided that there is sufficient space within the curtilage of the dwellinghouse for three vehicles and is thus considered acceptable as it is in accordance with the Parking Standards SPD and Local Plan Policy TR3.

Planning for Climate Change Adaptation

As required by the Council's Net Zero Carbon Development Plan Document (DPD) Policy NZC4, an Energy Statement will need to be submitted which demonstrates a consideration to sustainable construction and design, in accordance with Local Plan Policy CC1 – Planning for Climate Change Adaptation, as well as alternatives to fossil fuel boilers being explored.

This Energy Statement has been requested and shall be submitted prior to the Planning Committee date.

**CONCLUSION**

The proposal is considered to constitute good quality design in respect of providing an extension that will enhance the existing dwellinghouse which adopts an

appropriate material finish that harmonises with the main dwelling. The development is considered to have an acceptable impact on neighbouring amenity, owing to the fact that the property lies within a locality that is comprised of angled plots which justifies a small departure from the distance separation guidance set out within the Residential Design Guide SPD. The development is also considered to be in accordance with Local Plan Policy NE2, subject to the condition and there is sufficient capacity for parking.

**CONDITIONS**

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) BF 20-5, and specification contained therein, submitted on 18/03/2024. **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.
  
- 2 Within 1 month of the date of this permission, a scheme for the provision of two bat boxes to be erected on buildings within the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme to include details of box type, location, and timing of works. Within 1 month of approval of the submitted scheme the boxes shall be installed and maintained in perpetuity. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

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**Planning Committee:** 21 May 2024

**Item Number: 9**

**Application No:** Various Listed Below

**Officer:** Gary Fisher  
01926 456502 gary.fisher@warwickdc.gov.uk

**Report seeking Delegated Authority for Officers to Incorporate the Requirements of the Net Zero Carbon Development Plan Document for Planning Applications currently Awaiting the Completion of Section 106 Legal Agreements**

Recommendation

Planning Committee are recommended to authorise Officers to amend the recommendations for the planning applications listed below by adding the following text:

*"Planning Committee are also recommended to delegate authority to the Head of Place, Arts and Economy in consultation with the Chair of Planning Committee to issue the decision notice, granting planning permission subject to any additional planning conditions or Section 106 Agreement requirements which they consider appropriate in the circumstances where they consider that the applicant has demonstrated compliance with the requirements of the net Zero Carbon Development Plan Document (DPD).*

*In the circumstances where those requirements have not been demonstrated within an appropriate time period, Planning Committee are recommended to delegate authority to the Head of Place, Arts and Economy in consultation with the Chair of Planning Committee to refuse planning permission for that reason."*

Background

Councillors will be aware that following the receipt of the Inspector's letter on 9 April 2024, within which the Inspector confirmed that the Net Zero Carbon Development Plan Document (DPD) had passed the test of soundness, from that date the DPD attracts substantial weight in the consideration of all relevant planning applications.

There are a number of current planning applications which were previously considered by Planning Committee prior to the Net Zero Carbon DPD coming into effect and which already benefit from a resolution to grant planning permission subject to the completion of a Section 106 Legal Agreement.

However, because those applications have not yet been finally determined through the issuing of a decision notice, that DPD now carries substantial weight in their consideration.

Those planning applications are as follows:-

W/21/0939: The Old Leper Hospital/Chapel/Masters House, Saltisford, Warwick – Residential development including the conservation, repair and alteration of existing buildings and erection of an apartment block.

W/21/1918: Longacre, Harbury Lane, Warwick, CV34 6SL  
Erection of 2 detached houses and the creation of 4 self build residential plots.

W/22/1077: Land to the east of Stratford Road, Longbridge, Warwick  
Outline planning application for employment related development.

W/23/0195: Land at Gibbet Hill Road and Westwood Heath Road, Coventry  
Outline application for the creation of University of Warwick Social Sciences Quarter.

W/23/1094: Burrow Hill House, Hob Lane, Burton Green  
Outline planning application for the erection of 1no. dwelling.

In order to accommodate those additional considerations, it will be necessary for the applicants for each of those applications to make further submissions to which detailed consideration will be given to demonstrate compliance with the DPD, taking account of specialist advice where appropriate.

Officers consider that the most effective way to ensure that all of the relevant DPD considerations are now fully addressed for each of those applications without taking up additional Planning Committee time, by way of this report, it is being requested that the Committee authorise the Head of Place, Arts and Economy in consultation with the Chair of Planning Committee to grant planning permission in each case, once Officers are satisfied that the requirements of the Net Zero Carbon DPD have been satisfactorily incorporated into the proposals.

As part of that, delegated authority is sought to impose additional planning conditions and Section 106 Agreement clauses where considered necessary and appropriate, and to refuse planning permission in the circumstances where the Head of Place, Arts and Economy in conjunction with the Chair of Planning Committee consider that an appropriate time period has elapsed without the submission of sufficient information to demonstrate such compliance.

The Committee are therefore requested to support the recommendation as set out above to authorise the use of delegated powers as requested.