

## Planning Committee Tuesday 7 November 2023

A meeting of the above Committee will be held at Shire Hall, Market Place, Warwick on Tuesday 7 November 2023, at 6.00pm.

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

Councillor M Collins

Councillor L Cron

Councillor R Dickson

Councillor B Gifford

Councillor R Kang

Councillor M Luckhurst

Councillor R Margrave

Councillor R Noonan

Councillor P Phillips

Councillor J P Sullivan

Councillor L Williams

### 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/23/0364 - Euro Garages, Stratford Road, Warwick (Pages 1 to 16)**
5. **\*\*REMOVED FROM THE AGENDA\*\* W/23/0985 - Kingswood Farm, Old Warwick Road, Lapworth**
6. **\*\*REMOVED FROM THE AGENDA\*\* W/23/0986 LB - Kingswood Farm, Old Warwick Road, Lapworth**
7. **W/23/1220 LB – Pump Rooms, Parade, Royal Leamington Spa (Pages 1 to 6)**
8. **W/23/0765 – 47a Kenilworth Road, Royal Leamington Spa (Pages 1 to 8)**

#### **Please note:**

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- (e) occasionally, items are withdrawn from the agenda after it has been published.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

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

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**Planning Committee:** 07 November 2023

**Item Number:** 4

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

**Town/Parish Council:** Warwick

**Registration Date:** 08/03/23

**Case Officer:**

Adam Walker

**Expiry Date:** 03/05/23

01926 456541 adam.walker@warwickdc.gov.uk

**Euro Garages, Stratford Road, Warwick, CV34 6AT**

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

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

The application was included on the agenda for the previous Planning Committee meeting however the item was not heard at that meeting.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The application proposes the demolition of all existing buildings on the site and erection of a larger retail unit, a canopy area over six fuel pumps as well as the introduction of four EV charger points and associated plant structures to the south of the site.

**THE SITE AND ITS LOCATION**

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

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

**PLANNING HISTORY**

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

**RELEVANT POLICIES**

- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- TR1 - Access and Choice
- TR3 - Parking
- TC2 - Directing Retail Development
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- National Planning Policy Framework
- Air Quality & Planning Supplementary Planning Document (January 2019)

## **SUMMARY OF REPRESENTATIONS**

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

**Environmental Health Officer:** No objection, subject to conditions.

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

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

**WCC Landscape:** No objection following amendments.

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

### **Cllr Daniel Browne: Objection**

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

**Public Response:** 12 received (7 objections, 5 in favour) raising the following issues:

Objections:

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

Supportive:

- Improved appearance of the site
- Greener travel infrastructure
- A safer layout of the site is proposed
- Jobs maintained for the shop
- Landscaping and fencing around the site would create more privacy for neighbours.

**ASSESSMENT**

**History**

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

There was subsequently an appeal, which was dismissed by the Planning Inspectorate on the grounds that the shop was not ancillary. The Inspector also

concluded that there would not be any harmful impact in terms of disturbance or inconvenience to nearby residents as a result of the parking provision.

### **Principle of development**

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

- A) sites and buildings within the defined retail areas of the town centres;
- B) then sites on the edge of the retail areas;
- C) then out-of-centre sites.

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

The proposal includes an increase in floor space from 73sq.m to 195sq.m. Whilst this is a substantial increase in retail area, it still falls well below the threshold of 500sq.m set in Policy TC2 which would trigger the requirement for a retail impact assessment.

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

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

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

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

The change of use of the garage is therefore considered to have taken place over 10 years ago and is immune from enforcement action. It is therefore considered reasonable to assess the current use of the building as ancillary to the main *Sui Generis* use, with no loss of employment buildings resulting as part of the proposal.

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

### **Impact on the character and appearance of the area**

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

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

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

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

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



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

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

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

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

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

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

### **Impact on neighbouring / residential amenity**

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

the nearest front or rear facing habitable room of a neighbouring property. Breaches of the 45 degree line which occur at a distance of 8m or more will generally be considered not to result in material harm to light and outlook

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

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

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

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

The Council's Environmental Health Officer has been consulted and responded in relation to the impact on neighbours in terms of noise and lighting. The hours of use of the existing PFS are not restricted by condition and it currently operates 24 hours a day, 7 days a week. As such, the existing situation results in a degree of light and noise disturbance.

The removal of the existing car wash facilities would provide some noise benefits to local residential properties. However, the proposed electric vehicle charging (EVC) points and associated sub-station would be situated in close proximity to the residential boundary of 58 Stratford Road, as would air and water stations. The Environmental Health Officer (EHO) initially raised concerns regarding noise made by the charging and air and water facilities, as well as noise made by those using those facilities, such as stereo noise and loud conversation, especially in the night-time hours. Due to these concerns, a noise assessment report was requested to demonstrate that these elements of the proposal would not have an adverse impact on residential amenity. The EHO has reviewed the submitted report and

raises no objection subject to a condition to secure the 2.7m high acoustic fence as specified within the application and subject to a condition imposing limitations on noise from the proposed plant and equipment.

To ensure that external lighting installed at the proposed development does not have an adverse impact on surrounding residential properties the EHO has recommended a condition to control this, which is also considered necessary.

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

### **Access and Highway safety**

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

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

The Parking Standards SPD do not state parking requirements for a PFS use but the most relevant category (food retail) states that 1 parking space should be provided per 14sq.m, resulting in a parking requirement for 14 spaces. The proposal would include seven parking spaces, including two disabled spaces, in addition to four EV spaces and would also provide space for six vehicles to use the fuel pumps, resulting in a total of 17 spaces on the site.

The Highways Authority have been consulted and raised no objection to this parking provision or the proposed layout and it is therefore considered that the proposal satisfactorily complies with the above referenced policies.

### **Ecology and biodiversity**

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

The County Ecologist has been consulted and following submission of additional information raised no objection, subject to conditions regarding supervision of demolition, submission of a detailed schedule of habitats and species enhancements measures and nesting birds as well as a note regarding protection of hedgehogs. These conditions and notes have been included and it is therefore considered that the proposal complies with the above referenced policies.

### **Other considerations**

### *Land contamination*

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

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

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

### *Construction impacts*

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

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

### *Representations*

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

## **Conclusion**

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

## **CONDITIONS**

### 1 Time limit:

The development hereby permitted shall begin not later than three years from the date of this permission.

**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

### 2 Approved Plans:

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

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

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

3 Land contamination (pre-commencement condition):

No development shall take place until: -

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

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

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

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

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

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

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

#### 4 Construction management plan (pre-commencement condition)

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

**Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

#### 5 Sustainability Statement

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

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

- e) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
- f) How the development optimises the use of multi-functional green infrastructure for urban cooling and local flood risk management.

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

The development shall not be brought into use until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

**REASON:** To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

#### 6 Materials:

No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and retained as such.

**Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

#### 7 Noise mitigation:

Prior to the development hereby permitted first being brought into use, a 2.7-metre-high acoustic barrier shall be installed in accordance with the specification as set out in the Noise Impact Assessment: Report DC4265-NR1v2' produced by Dragonfly Consulting and dated 7<sup>th</sup> July 2023 and as shown on the approved plans.

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

#### 8 Plant noise limits:

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

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

#### 9 Unexpected Contamination:

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

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

#### 10 Lighting:

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

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



## 11 Supervised destructive measures

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

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

## 12 Biodiversity measures:

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

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

## 13 Nesting birds:

The development hereby permitted shall either:

- a. Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
- b. Not commence until a qualified ecologist has been appointed by the applicant to inspect the buildings and any vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird

season (March to September inclusive) or until after the young have fledged, as advised by ecologist.

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

14 Highway access

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

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

15 Parking and cycle spaces

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

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

16 Soft landscaping:

The soft landscaping scheme as indicated on approved drawing number 01 Rev G shall be carried out no later than the first planting and seeding seasons following the development first being brought into use. Any trees, hedgerows or shrubs which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the Local Planning Authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, trees and shrubs shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

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

17 Finished Floor Levels:

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

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

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**Planning Committee:** 7 November 2023

**Item Number:** 7

**Application No:** [W 23 / 1220 LB](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Jane Catterall

**Registration Date:** 21/08/23

**Expiry Date:** 16/10/23

01926 456533 jane.catterall@warwickdc.gov.uk

### **Pump Rooms, Parade, Leamington Spa, CV32 4AA**

Works to reception area including removal of all modern roller shutters in reception as well as removal of modern door and partition wall to back office and replacement with new door-set and glazed panel. Installation of solid partition wall with clerestory glazing to follow previous placement of roller shutters. FOR  
Warwick District Council

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This application was deferred from the meeting of 11 October 2023 and is being presented to Committee due to the number of objections and an objection from the Royal Leamington Spa Town Council having been received.

### **RECOMMENDATION**

Planning Committee is recommended to approve this application for the reasons set out at the end of this report.

### **DETAILS OF THE DEVELOPMENT**

The applicant seeks listed building consent for works which consist of the removal of modern roller shutters to a section of the reception area alongside the replacement of a modern door and section of a partition wall to a rear office with a glazed door and panel.

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

The application relates to the Grade II Listed Pumps Rooms in Leamington Spa Town Centre. The site is located within the Leamington Urban Conservation Area and is within a Grade II Registered Park and Garden. The Royal Pump Rooms were originally constructed in 1814, of which the colonnade with Doric columns are still apparent, with various later additions. The site was previously a spa and later housed the local swimming pool however in the late twentieth century, the site was redeveloped and now provides other functions such as the public library, the Leamington Spa art gallery and a café.

### **PLANNING HISTORY**

W/20/0828/LB - Insertion of timber screen as entrance feature from foyer to cafe area – Granted.

There are various previous permissions for the listed building and wider site however, none are considered relevant to the assessment of this application.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### Warwick District Local Plan 2011-2029

- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council** - Object as they consider the application to be contrary to Local Plan policy HE1 due to a change of use for which the building was designed, with significant detrimental changes to the aesthetic experience, due to loss of light and vista, as well as inappropriate partitioning. It is also considered to be contrary to policies HS8/RLS6 and NPPF paragraph 131. These points have been addressed in the report however Paragraph 131 of the NPPF relates to trees so this has been discounted.

**The Gardens Trust** - No comment.

**Public Comments:** 136 Comments received overall.

133 Objection Comments received.

A summary of the main points of these comments has been compiled below:

- Loss of light and openness to foyer
- Loss of visitor shop
- Cost of proposal
- Space will be less attractive
- Change of use not supported
- Change of character to the entrance area
- Failure to support cultural and tourism offer
- Lack of parking provisions
- Glazing will provide no privacy to those using the proposed space
- Does not protect local heritage assets
- Reduces access to Library/Art Gallery
- Lack of parking for visitors
- Adversely impacts ambience of the library, museum and art gallery
- Loss of revenue stream for local artists
- Important to safeguard existing retail floor space

A number of objections incorrectly state that this is a Grade II\*-listed building however the Royal Pump Room and Baths is Grade II-listed. As a Grade II-listed building, Historic England are not a statutory consultee and, as such, have not been consulted.

3 Support Comments received.

- It is already a functional space so adding another useful function is sensible and the design will use more of the cavernous space, lending intimacy to what is a rather stark and hard environment.
- It sounds as though it will improve the Pump Rooms.

For clarity, whilst the main issues raised within the comments received have all been summarised above, only those pertaining to the effect of the specific works the subject of this application on the building's character and features of special architectural or historic interest are material considerations in this case.

The majority of the issues listed above including, but not limited to the use of the building; the loss of facilities; the cost of the proposal; the general attractiveness of the space; and the parking facilities available are not material considerations and therefore are not to be taken into account in the assessment of this proposal.

## **ASSESSMENT**

### Impact on the Listed Building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that in considering whether to grant permission for developments affecting listed buildings or their setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the same Act 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 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Warwick District Local Plan 2011-2029 states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Policy HE2 seeks to retain the integrity and form of conservation areas and recommends resisting alterations to both listed and unlisted buildings that would have an adverse effect on the overall character of these areas.

The overall impact of this proposal is felt to be neutral, with the works considered to be acceptable in nature.

The proposed works are to the foyer area of the pump rooms, located by the main entrance to the building, in a late twentieth century addition to the site. The location of the works is within an area occupied by a visitor shop at present and is primarily open to the foyer but can be segregated through the use of roller shutters.

This proposal intends for the removal of the modern roller shutters, the installation of stud walling with clerestory glazing to follow the existing layout of the shutters, the replacement of a modern door and part of a modern wall with a glazed door and insert.

In regards to the Planning (Listed Buildings and Conservation Areas) Act 1990 and Local Plan Policy HE1, the works are located to a modern section of the listed building and will follow an established layout, which is supported by both the existing columns and roller shutters which identify this area as a separate space. The foyer contains existing individual spaces, including the Café, Library and Art Gallery. The existing retail space is not considered to be a feature of special architectural or historic interest but rather has a neutral impact upon the overall heritage asset.

The use of timber detailing to the partition will align with the existing timber screen detailing in use to the Café area, approved via Application W/20/0828/LB, and will follow the location of the modern metal roller shutters, following the principles of scale and the use of appropriate material. Clerestory glazing is to be inserted within the upper sections of the partitions to allow for natural light and to allow the partition to be more lightweight in nature.

It is considered that visually, the eye is drawn from the entrance into the foyer of the Pump Rooms, towards the reception desk, the Art Gallery and the Library, which this proposal will continue to promote. The roller shutters are considered to create a visual delineation of the space which this proposal will follow, whilst the intended timber slats will tie the proposal to existing surrounding décor. The partitions, whilst fixed, are considered to be non-permanent in nature as these could be altered or removed in future with no loss or harm to the heritage asset.

The works to the wall of the office to replace a modern door and introduce a glazed panel are considered to be acceptable, requiring the minor loss of existing fabric but without an impact upon the character of the building.

As the works will be internal, there is considered to be negligible impact upon the Conservation Area, with the sympathetic colours and materials maintaining the character of the space as viewed through the tinted glazing.

This proposal does not relate to the use of the space, which would be beyond the remit of this Listed Building Consent application, and does not require planning permission. Alongside this, the insertion of modular pods or other furniture would also not form part of the consideration of this application because Listed Building

Consent isn't required. Like-for-like repairs, refurbishment and maintenance would also not form part of this assessment for the same reason.

The application has attracted a large amount of public responses, the majority of which are objections and are primarily focused on the usage of the space, alongside the visual impact of the proposal. The Town Council have also objected to the application on the grounds that it does not adhere to local policies HE1, HS8 and RLS6.

In regards to Local Plan Policy HS8 and the Royal Leamington Spa Neighbourhood Plan Policy RLS6, which relate to the protection of community facilities, as previously stated, this application for Listed Building Consent relates to some of the internal works proposed to the building only. The associated revision to the use of the building does not require planning permission and is not the subject of this application. In regards to Policy HE1, as set out above, the proposals are considered to have a neutral effect and not result in harm to the heritage asset.

It is recommended that a sample materials condition is added in regards to the proposed timber slats to ensure that the proposed materials are acceptable within the context of the building.

Overall, the works proposed in this Listed Building Consent application are considered to be acceptable, being confined to the late twentieth century section of the heritage asset, with a neutral impact overall. The proposed materials and design are intended to be sympathetic to the existing space, following established delineation of areas and referencing existing timber screening.

The special historic and architectural interest of the Pump Rooms is considered to be safeguarded, with the works being relatively minor in nature, as the proposed partitions have the option for future removal without major disturbance. The visual impact on the conservation area is considered to be negligible as the works will be internal. The proposal is deemed acceptable and in accordance with the aforementioned policies and, as such, is recommended for approval.

### **Summary/Conclusion**

It is considered that the proposed works are acceptable, with the proposal resulting in a neutral impact overall. The works are confined to the late twentieth century addition to the pump rooms, with partitions following an existing delineation of space and the special historic and architectural character of the listed building maintained. Materials to be introduced are considered to be sympathetic and there is felt to be a negligible impact on the conservation area. The application is therefore recommended for approval on the basis that it complies with Local Plan Policy HE1 & HE2, and the relevant sections of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.



**CONDITIONS**

- 1 The works hereby permitted shall begin not later than three years from the date of this consent. **Reason:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 5214913-ATK-XX-XX-DR-B-003 P01 and approved drawings WDC-ATK-RP-00-DR-ID-300107 P01, WDC-ATK-RP-00-DR-ID-300106 P01, WDC-ATK-RP-00-DR-ID-300104 P01 WDC-ATK-RP-00-DR-ID-300102 P01, WDC-ATK-RP-00-DR-ID-300101 P01 RPRR-ATK-MB-00-DR-A-171002 P01, RPRR-ATK-MB-00-DR-A-110004 P01, RPRR-ATK-MB-00-DR-A-110002 P01, RPRR-ATK-MB-00-DR-A-110001 P01, RPRR-ATK-MB-00-DR-A-015001 P01, RPRR-ATK-MB-00-DR-A-011003 P01, and specifications contained therein, all submitted on 21/8/2023. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies HE1 and HE2 of the Warwick District Local Plan 2011-2029.
  
- 3 No development shall be carried out above slab level unless and until samples of the proposed timber slats to be used for cladding have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory appearance in relation to the listed building in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029.

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**Planning Committee:** 07 November 2023

**Item Number:** 8

**Application No:** [W 23 / 0765](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** James Moulding

01926 456728 james.moulding@warwickdc.gov.uk

**Registration Date:** 24/05/23

**Expiry Date:** 19/07/23

**47a Kenilworth Road, Leamington Spa, CV32 6JJ**

Erection of two storey rear extension FOR Mr Russ Fretwell

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

**RECOMMENDATION**

It is recommended that Planning Committee grant planning permission for this application subject to the conditions listed at the end of the report.

**DETAILS OF THE DEVELOPMENT**

The application proposes a two-storey rear extension, installation of roof lights, and installation of additional fenestration at all levels to the side elevation.

**THE SITE AND ITS LOCATION**

The application site relates to a semi-detached dwelling located within the Royal Leamington Spa Conservation Area. The application property at 47a is believed to most likely have been the service wing of the larger adjoining dwelling at No. 47.

**PLANNING HISTORY**

W/11/1422 - Erection of single storey rear extension and modification to window to rear elevation - Granted.

**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
- 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)
- [Royal Leamington Spa Neighbourhood Plan 2019-2029](#)

- RLS2 - Housing Design
- RLS3 - Conservation Area

## **SUMMARY OF REPRESENTATIONS**

### **Royal Leamington Spa Town Council:**

Objection, on the following grounds:

- Inappropriate fenestration and its impact on both the street scene and on amenity / privacy for neighbours.
- Removal of chimney which unbalances the pair of properties, which are in the conservation area.

**Conservation Officer:** No objection, subject to retention of chimneys. No objection to proposed rear fenestration, limited to the rear and does not impact upon any public views. Height and scale of the extension has been reduced.

**Conservation Advisory Forum:** Objection (comments refer to initial three storey proposal):

- Proposed extension is felt to be out of keeping and detrimental to the conservation area.
- Proposal considered to overwhelm the attractive dwelling which positively contributes to the character of the conservation area, by introducing fenestration which reads as a wall of windows, which would be completely out of character with the building and the neighbouring property, being directly harmful to the street scene as it would be visible from Barwell Close.
- The existing form of what was likely once the servants' quarters would be completely swamped, with the chimney and the hip of the roof lost to create a wing.
- Overall CAF felt that the proposal would set a poor precedent in terms of detailing and design and that the proposal should be resisted to prevent harm to the conservation area.

**WCC Ecology:** Objection pending the submission of a Preliminary Bat Roost Assessment. Request that evidence should also be supplied to show how the application aims to achieve Biodiversity Net Gain.

**Public Response:** 2 objections from neighbour raising both material and non-material planning considerations (summarised per revision below):

### **Initial Three Storey Proposal**

- Demolition of chimneys is harmful to the character of the conservation area and No. 47.
- Installation of new side facing window in an elevation where there are none existing.
- Installation of over-large rear windows.

- The addition of two additional stories would be overdevelopment and not subservient, it would be out of scale and proportions of the host property 47a, which would also contrast with the perfectly proportioned 47.
- Overlooking and loss of privacy generated by large, rear facing windows serving habitable rooms on the first and second floors.
- Concerns regarding future extensions or balcony that may be applied for.
- Impact on light to basement at 47.
- Lack of environmental sustainability measures.
- Unclear if there is sufficient parking to accommodate the additional bedroom.
- Contrary to Local Plan Policies CC1, CC2, and NE3.

#### Amended Two Storey Proposal

- Overlooking concerns from Juliet balcony.
- Loss of chimney.
- Number of new openings, their size and detailing.
- Disproportionately sized, would dominate the original building by virtue of scale and massing.
- Would not meet the proper assessment standards of a locally listed building - noted that the properties in question are not locally listed.

### **ASSESSMENT**

#### Design and Impact on Heritage Asset & Conservation Area

The NPPF (2019) places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 130 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 130 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.

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that in considering whether to grant permission for developments affecting listed buildings or their setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) 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.

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. This is supported by Policy HE1 of the Warwick District Local Plan 2011-2029 which states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

The initial proposal of a three-storey rear extension was objected to by both planning officers and the Conservation Officer on grounds of it being disproportionately large in comparison to the host dwelling and failing to be adequately subservient in scale, thereby competing with the original 'principal' dwelling and the core of the application property. It was considered that this would have a detrimental impact on the character of the conservation area and both properties 47 and 47a. It should be noted that the comments submitted by the Conservation Advisory Forum (CAF) and the initial public objection in the summary of representations relate to this initial proposal.

The application has since been amended down to two storey and retains the existing chimney following comments from CAF, the Conservation Officer, Royal Leamington Spa Town Council, and the neighbour. This amended scheme and associated consultations form the focus of this report.

Regarding the proposed depth, a precedent has been set by the previous approval under W/11/1422 for the single storey rear extension. It is noted that a first-floor addition would have a greater impact on scale than a single storey structure, but this impact is mitigated by the fact that it does not extend beyond the extent of the neighbouring dwellings, or beyond that which is existing on site, thereby not competing with either dwelling. Regarding the proposed height, the proposal has been revised down to a two-storey structure with a dual pitched gable end. The ridge of this gable now sits just shy of two meters below the eaves of the main dwelling. This is considered to satisfy the Conservation Officer and the Local Planning Authority in relation to subservience. As amended, it is not considered that the proposed extension would be competing with the main dwelling in terms of scale.

Regarding the fenestration details, objections have been raised regarding the proposed rear facing windows at first floor level. The thrust of these objections relates to the inappropriateness of the proposed details reading as a 'wall of windows' which would be uncharacteristic of the conservation area and the application property. This objection has been raised by the Town Council, CAF (initial design), and the neighbour. It is also noted that the neighbour makes reference to the previous application and the focus put on conditioning the large-scale details.

When considering whether or not the impact on the conservation area is acceptable, there are two main factors to consider in this case. The prominence or visibility of the proposed development in the street scene, and whether or not the proposed development would be incongruous with existing development. It

should be noted that the existing fenestration on the single storey rear extension was conditioned and considered acceptable to discharge by the conservation officer. This existing fenestration reads similar to what is being proposed now and, to this extent, the proposed fenestration would not be incongruous in the rear elevation.

Regarding the prominence or visibility, the Town Council, CAF, and the neighbour all raise that the proposed fenestration would impact the street scene, primarily due to the site's visibility from Barwell Close. It is accepted that views would be possible from Barwell Close, but the extent of these views and their nature should also be considered. Barwell Close is not a through road and serves approximately six dwellings which create a back-land development. It is therefore considered that the views are not prominent, or easily visible to the public in passing. It should also be noted that the proposed terminal height of the fenestration has been reduced from 6.4m to 5.8m, and that the width of the fenestration has been reduced from 4.3m to 3.5m, both of which reduce its prominence.

Given the existing fenestration to the rear elevation, and the contextual prominence of the development site, it is the view of the Conservation Officer that the impact of the proposed fenestration would not result in harm to the conservation area.

Additional objections include an objection to the introduction of windows in the side elevation. Those which are seen proposed in the original side elevation are considered to fall within the permitted development fallback position. Additionally, the first-floor side window proposed in the extension is considered to meet the policy standard of being obscure glazed. As with the roof lights, the Local Planning Authority considers it sufficient to condition all side facing windows in the first floor and above to be obscure glazed and non-opening up to 1.7m so to not impact on neighbouring amenity.

It is considered that the amended proposed development is suitably subservient in terms of scale and massing, and that the proposed fenestration would not have an unacceptable impact on the conservation area. It is therefore considered that the application complies with Local Plan Policies BE1, HE1, HE2, and the Residential Design Guide SPD.

### Impact on 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.

An objection has been raised on two fronts in regard to unacceptable impact on neighbouring amenity. These relate to the impact on light access to a basement window at No.47, and the introduction of unacceptable overlooking from the first-floor windows.

Regarding loss of light, the Residential Design Guide SPD prescribes the 45-degree line for assessment of development on the light and outlook of neighbouring dwellings. This guidance states that generally side facing windows will not be considered for this 45-degree breach and that it should only be applied to habitable rooms. The room in question is a workshop and is not considered to be a habitable room. This combined with the window being in the side elevation means that the 45-degree line is not applicable and therefore it is not considered that the proposal would result in harm to living conditions.

Regarding overlooking generated from the Juliet balcony in the rear elevation, the neighbour has raised strong objections to this and has cited the Residential Design Guide SPD in relation to patios and balconies. However, Officers consider a distinction must be between an actual balcony and a Juliet balcony, the latter of which is essentially a pair of inward opening doors with an external guard rail. Juliet balconies are considered akin to a window in nature and are not considered to result in material harm to amenity by reason of overlooking and loss of privacy.

As mentioned previously, all side facing first floor and above windows will be conditioned to be obscure glazed and non-opening up to 1.7m to preserve the privacy of neighbouring dwellings.

It is considered that the application complies with Local Plan Policy BE3 and the Residential Design Guide SPD.

### Ecology

The County Ecologist has recommended that a Preliminary Bat Roost Assessment should be requested prior to the determination of the application. I have considered this request and note that the existing dwelling is located within a built-up area with other dwellings in close proximity to the dwelling. I also consider that the application no longer proposes that the rear extension intersects with the main roof, reducing the potential impact on roosts.

On this basis, I do not consider that it is appropriate or practicable to request a bat survey be submitted. In coming to this conclusion, I am mindful of the location of the property, the characteristics of the local area and the fact that bats are a protected species under separate legislation and there is a duty of care by the applicants to ensure protected species are not harmed by the proposal.

On the basis of the above, I consider that the imposition of an explanatory note regarding the applicant's responsibility with regard to protected species is sufficient in this case.

The County Ecologist has also recommended that the applicant should demonstrate how the proposal would comply with biodiversity net gain. When considering the scale of development, amount of biodiversity loss, and the cost incurred by the applicant to provide the requested information, it is considered that the imposition of an explanatory note regarding the applicant's responsibility to biodiversity net gain is sufficient in this case.

## Parking

An objection has been made questioning whether there would be enough parking spaces to provide for an additional bedroom. The application no longer results in the creation of an additional bedroom and as the existing development has more than 4 bedrooms, the required parking provision would not increase over the existing.

It is considered that the application would comply with Local Plan Policy TR3.

## Other Matters

An objection has been raised in relation to the lack of environmental sustainability measures, stating that these would normally be required. This includes a statement that proposes that the development would not comply with Local Plan Policies CC1, CC2, or NE3.

These policies are not normally or reasonably applied to householder developments of this scale and there is no justification to change this approach for this application.

There are also no objections to the proposed roof lights. Those in the main roof are considered to have permitted development fallback, and those proposed on the extension will be covered by conditions for obscure glazing and large-scale architectural details.

Further objection comments suggest that the application site meets all the criteria to be considered for the local list, and as such, the application should be judged accordingly with stricter policy. As the property is not on the local list, it is considered unreasonable to assess the application as a non-designated heritage asset.

## **Summary**

The proposals are considered to have an acceptable impact on the character and quality of the street scene and conservation area 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, HE1, HE2, 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 23102-002E, 23102-003E and specification contained therein, submitted on 09/10/2023. **Reason:** For the



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

- 3 Prior to the occupation of the development hereby permitted, the proposed first and second floor windows in the north side elevation, and the proposed roof lights in the north and south side elevations, shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
  - 4 No development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
  - 5 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policies BE1 and HE1 of the Warwick District Local Plan 2011-2029.
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**Planning Committee  
Agenda Running Order and Public Speakers  
Tuesday 7 November 2023**

<b>Agenda Item</b>	<b>Application number and address</b>	<b>Reason on Committee</b>	<b>Name</b>	<b>Category</b>	<b>Time (mins)</b>
7	<b>W/23/1220 LB – Pump Rooms, Parade, Royal Leamington Spa</b>	Due to the numbers of objections received and an objection from Royal Leamington Spa Town Council having been received.			3  3  3
5&6	<b>** REMOVED FROM THE AGENDA**</b>  <b>W/23/0985 - Kingswood Farm, Old Warwick Road, Lapworth &amp; W/23/0986 LB – Kingswood Farm, Old Warwick Road, Lapworth</b>	<b>** REMOVED FROM THE AGENDA**</b>			
4	<b>W/23/0364 – Euro Garages, Stratford Road, Warwick</b>	Due to the number of objections received.			3
8	<b>W/23/0765 – 47A Kenilworth Road, Royal Leamington Spa</b>	Due to an objection from Royal Leamington Spa Town Council having been received.			3  3

NB: Please note that the above list is subject to change, to allow for any substitutes or people withdrawing. Any such amendments will be passed to the Chair of the Planning Committee before the start of the meeting by the Committee Services Officer.

**Summary of Procedure for Public Speaking at Planning Committee**

1. All Planning applications with public speakers will be dealt with first, followed by consideration of the remaining items in the order in which they appear above. This may not be the order in which they appear on the published agenda.
2. The Planning Officer will introduce his report, giving any updates since the preparation of the report.
3. The names of those persons having registered to speak will then be announced by the Chair, in the order of: Parish/Town Councils, Warwick District Towns Conservation Area Advisory Forum, Objectors, Applicants/Supporters and District Councillors.
4. After all the speakers have finished, the Chair will open the item up to the Planning Committee for debate. There will not be a specific formal questions slot.
5. Finally, the Committee will be asked to take a decision on the application.