



Delegated Decisions by the Head of
Development Services Agenda

20 August 2020

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

Planning Applications

- 1 **W/19/2064 – The Highfield, 4 Barrowfield Lane, Kenilworth**
- 2 **W/20/0468 – The Warwickshire Golf and Country Club, Warwick Road,
Leek Wootton**
- 3 **W/20/0807 – 62 John O’Gaunt Road, Kenilworth**

Extended Delegated Decisions Meeting: 20 August 2020

Application No: [W 19 / 2064](#)

Town/Parish Council: Kenilworth

Case Officer: Rebecca Compton

01926 456544 rebecca.compton@warwickdc.gov.uk

Registration Date: 03/01/20

Expiry Date: 28/02/20

The Highfield, 4 Barrowfield Lane, Kenilworth, CV8 1EP

Erection of no7, 2-3 bed apartments following the demolition of the existing building and associated access. FOR NiceHouse Ltd

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

RECOMMENDATION

To grant planning permission subject to the conditions listed at the end of the report.

DETAILS OF THE DEVELOPMENT

The proposal seeks to demolish the existing dwelling and erect 4 no. 3 bed apartments and 3 no. 2 bed apartments. The proposal also includes a new access off Barrowfield Lane and landscaping works.

THE SITE AND ITS LOCATION

Highfield is located on the edge of Kenilworth town centre and is located adjacent to the Kenilworth Conservation Area. The site is located to the northern end of Barrowfield Lane in between Highfield Close and the listed property known as The Old School House on the corner of Borrowell Lane.

PLANNING HISTORY

None relevant.

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
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)

- NE5 - Protection of Natural Resources
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE4 - Landscape
- FW3 - Water Conservation
- Guidance Documents
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- Kenilworth Neighbourhood Plan (2017-2019)
- KP12 - Parking Standards
- KP13 - General Design Principles
- KP15 - Environmental Standards of New Buildings

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Object on the following grounds:

- Impact on neighbouring amenity
- Increase in traffic
- inappropriate design and scale for this area
- Impact on the setting of the Listed Building.

WCC Highways: No objection subject to conditions.

WCC Ecology: No objection subject to conditions.

Tree Officer: No objection to removal of trees, Arboricultural Statement is required.

Public response: 25 objections have been received on the following grounds:

- Impact on neighbouring amenity
- Increase in traffic
- inappropriate design and scale for this area
- Impact on the setting of the Listed Building
- Impact on Biodiversity and protected species

ASSESSMENT

Principle of development

Local Plan policy H1 directs new housing to the urban areas, the site is located within the urban area of Kenilworth. The proposal seeks to replace an existing single dwelling with a building containing 7 apartments, given the application site is located within an urban area, the principle of the replacement of the development is acceptable.

The proposal therefore complies with Local Plan policy H1.

Impact on Heritage Assets

Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act requires special regard to be had to the historic character of listed buildings. Section 72(1) seeks to ensure that development proposals preserve or enhance the character of the Conservation Area. Policies HE1 and HE2 of the Local Plan set similar aims. Policy BE1 of the Local Plan also requires attention to be paid to the character of the area and architectural detail. Policy HE4 is also noted in terms of protecting archaeological interest. The aims and objectives of the National Planning Policy Framework are also considered in respect of conserving the historic environment and achieving high quality design.

National policy explains that considerable weight should be given to the conservation of a designated heritage asset (para. 193) and any level of harm should require a clear and convincing justification regardless of the level of harm (p. 194). Paragraphs 195 and 196 go on to set out how applications should be assessed where it is identified that harm would be caused to a designated heritage asset.

The site is located in the setting of a grade II listed building, known as the Old School House, which dates from the early eighteenth-century. The D&A/Heritage Statement states that the proposal will improve the existing relationship between the application site and the listed building on the grounds that the built form of the development will be set further into the site away from the listed building. The site currently shares an access with the listed building, a new access is to be created and the existing is to be replaced with planting and trees which will visually create more separation between the two sites. The overall height of the proposed building is also less than the existing. Whilst the design is contemporary, substantial vegetation exists between the two plots which would assist in mitigating any detrimental impact on the setting of the listed building. Some of the detailing and materials have been chosen to compliment the listed building such as through the use of timber cladding and vertical planting and a stone plinth. The materials comprise of timber cladding, stone and red sandstone render to reflect the character of the listed building and Kenilworth, whilst remaining clearly contemporary in nature.

Concerns have been raised over the potential impacts on the setting of the listed building and the Conservation Area Forum (CAF) are concerned that the building seeks to make a statement which is not appropriate in the setting of the listed building. The applicant does not agree with this statement and has put forward that the contemporary design has adopted materials that will enable the building to sit comfortably amongst the existing vegetation and the design and layout has come about in order to protect the existing trees on site rather than seeking to make a statement. Officers consider that as the building is set further into the site away from the listed building, together with the fact that the level of

screening will be improved between the two sites and along the frontage, that the proposal would not have a detrimental impact on the setting of the listed building.

The application site does not sit within the Kenilworth Conservation Area but is located adjacent to the boundary of the Conservation Area. The development would not restrict views in and out of the Conservation Area and the development seeks to reinforce the highly vegetated character of the site which adds positively to the setting of the Conservation Area and the wider street scene.

Officers consider that the proposal would comply with Local Plan policy HE1.

Design and impact on the street scene

BE1 (Layout and design) of the Local Plan 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 will be expected to demonstrate that they harmonise with, or enhance, the existing settlement and reinforce or enhance the established urban character, whilst reflecting, respecting and reinforcing local architectural and historical distinctiveness. Proposals should also respect surrounding buildings in terms of scale, height, form and massing.

The application site is located on the edge of the town centre and on the periphery of the surrounding residential development which is situated to the south and east of the site. In the immediate context the listed building known as the Old School House is located to the north of the site, the east of the site borders residential gardens and the rear of the site runs adjacent to the road Highfield Close. Owing to the edge of town centre location the surrounding street scene is mixed with Jubilee House to the west, and a modern hotel building and an apartment building known as Mulberry Court are situated on the northern side of Smalley Place. The surrounding residential area is of a mixed character including two storey dwellings, bungalows and blocks of flats. A modern building comprising of 8 flats is located behind Jubilee House and is accessed off Barrowfield Lane. Further south along Barrowfield Lane there is a large apartment building known as Barrowfield Court. Given the mixed character of the street scene and the wider area it is considered that a contemporary design would not be detrimental to the character an appearance of the street scene.

The building as existing is situated on an elevated position to the residential properties to the south and east of the site owing to the land levels. Views of the existing building are reduced within the street scene due to a dense vegetated buffer that exists around the boundaries of the site. The existing trees and vegetation contribute positively to the street scene and the proposal seeks to

retain a dense layer of vegetation as part of the scheme. The building has been designed to cut into the landscape so whilst the accommodation is to be set over 3 floors, views of the building from within the street scene will be of a two storey building to reflect the existing form of the building. The overall height of the proposed building will be lower than the existing dwelling in order to reduce any impact on the street scene. The building is of a contemporary design however the palette of materials including red sandstone, stone and timber has been chosen to reflect the character of the wider area whilst enabling the building to blend with the high levels of vegetation. The site as existing benefits from a large area of hard standing to the front which will be reconfigured and broken up with the use of planting and landscaping.

The existing building is a large dwelling occupying a large plot, the proposal will result in a greater level of built development on the site however the site will retain a large area of green open space to the side and rear of the building. The plot sizes vary in the surrounding area and as the site will retain a large area of amenity space to the rear, it is considered that the proposal would not be detrimental to the character of the area.

Impact on 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. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The 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° line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

The application site is bordered by residential gardens to the east, these properties are no.10 Highfield Close and no. 7 Borrowell Lane. The design of the building comprises of projecting wings set at angles to one another, the building is angled so no direct views will be available into the private amenity space of the adjoining residential gardens. The building is set in some 15 metres from the side

boundaries and a dense layer of vegetation will exist along the boundary with the neighbouring gardens. The design of the building also includes timber screening to the side facing windows which will provide outlook whilst reducing the perception of overlooking to the neighbours. Officers are satisfied that the distance between the proposed building and the neighbouring gardens, together with the dense level of vegetation that will provide screening, will not result in overlooking and loss of privacy to the neighbouring properties. The proposal complies with the Distance Separation Guidelines and 45 Degree Guideline.

Future Occupiers

The proposed development provides an acceptable level of amenity for the future occupiers of the dwelling, all habitable rooms benefit from an adequate

amount of light and outlook. The proposal will result in a total of 18 bedrooms, in accordance with the Residential Design Guide SPD the proposal is required to provide 180 square metres of private amenity space for the future occupiers. The proposal will retain large areas of green open space to the side and rear of the building which would be in excess of the required 180 square metres.

The proposal is considered to have an acceptable level of impact to the neighbouring properties and would provide acceptable living conditions for the future occupiers of the building. The proposal therefore complies with Local Plan policy BE3.

Ecology

Policy NE3 of the Local Plan requires the protection of biodiversity as part of development proposals. The County Ecological Advisor comments that appropriate notes should be added in relation to bats, amphibians and reptiles. They also require protection measures for two badger setts that were identified at the site, this will be secured via condition.

Taking account of the comments of the Council's Ecological Advisor the proposals would not impact on protected species and subject to appropriate conditions the proposals will comply with Policy NE3 of the Local Plan.

Parking and Highway Safety

Policies TR1 and TR3 of the Local Plan seek to ensure appropriate levels of car parking and seek to ensure that proposals do not impact on highway safety. The Parking Standards SPD is noted in terms of the amplification to the guidance. In accordance with the National Planning Policy Framework, highway safety should only be used as a reason for refusal where the impact would be severe.

The site is accessed off Barrowfield Lane and currently shares an access with the adjacent Listed Building. The proposal seeks to create a new access off Barrowfield Lane and the existing access will be replaced with planting. The Highways Authority have been consulted who have raised no objection to the scheme subject to a public footway crossing being laid out and the parking to be laid out prior to the occupation of the building, this will be secured via condition.

The proposal seeks to create 4 no. 3 bed apartments and 3 no. 2 bed apartments which would require 14 off road parking spaces in accordance with the adopted Parking Standards SPD, the proposal has demonstrated that 14 spaces will be laid out as part of the development.

Overall the proposal is considered to accord with Policies TR1 and TR3 and will not give rise to highway safety concerns.

Impact on existing trees

The proposal seeks the removal of a number of trees that are poor quality and have a low amenity value. The proposal seeks to replace these trees with new

trees and additional planting and vegetation. The Tree Officer was satisfied that the removal of trees on site was clearly justified however requested an Arboricultural Statement be submitted to demonstrate the works would not have a harmful impact on the remaining trees. An Arboricultural Statement has been submitted and demonstrated clearly that the works would not be detrimental to the existing trees. The proposal will replace an existing area of non permeable hardstanding to the frontage with a permeable surface and root protection that will improve the situation for the existing trees to the north of the site. Protection measures for the existing trees has been put forward as part of the Arboricultural Statement and a condition requiring these measures to be put in place for the entirety of the construction phase is considered appropriate.

Officers are therefore satisfied that the proposal has addressed the concerns regarding the impact on trees and will not have a harmful impact on the protected trees.

Kenilworth Neighbourhood Plan

Policy KP13 of the Kenilworth Neighbourhood Plan requires that development proposals should achieve a standard of design that is appropriate to the local area. Replacement buildings should also have particular regard for the character of the existing built form.

As stated earlier, the area has a mixed character and the site is located in an edge of town centre location with a number of modern buildings in the immediate area. The proposed contemporary design is therefore considered acceptable in this context. The proposal will retain the large amounts of vegetation that currently exists on the site which contributes positively to the street scene. The building whilst contemporary in design respects the scale of development in this area and will read as a two storey building in the street scene to reflect the scale and massing of the existing dwelling on site.

Officers therefore consider the building to comply with Neighbourhood Plan Policy KP13.

Other matters

Low Emissions

The proposal will result in additional vehicular movements and therefore there is a requirement for the provision of electric charging points in accordance with the Council's adopted Low Emissions Strategy SPD. The agent states that two electric charging points will be provided in accordance with the adopted SPD, a condition requiring the installation and details of the charging point is considered necessary and reasonable.

Water Efficiency

A condition to ensure compliance with Policy FW3 will be added to any approval granted.

Waste

Waste and recycling storage are able to be accommodated within the site boundaries.

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) SR/3083/pa/300, SR/3083/pa/100, SR/3083/pa/500, SR/3083/pa/700, and specification contained therein, submitted on 06th December 2019 and 11th December 2019. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No development shall commence until a detailed badger sett monitoring survey, including timetabled mitigation measures where appropriate, has been carried out by a suitably qualified badger consultant and has been submitted to and approved in writing by the local planning authority. Any approved mitigation measures shall be implemented in accordance with the approved timetable. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 4 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the Arboricultural Impact Assessment & Method Statement produced by Seed and submitted to the Local Planning Authority on 23rd March 2020 have been put into place and thereafter shall remain in place for the full duration of any such construction work. **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted shall not commence until a Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. This should include activity surveys of nesting birds and hedgehogs. The agreed Construction Management Plan shall thereafter be implemented in full. **REASON:** To safeguard the presence and population of a protected

species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

- 6 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.
- 7 The access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 8 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 9 The landscaping plan shall be completed within three months of the first occupation of the development hereby permitted in full accordance with the details as shown on approved drawings 16459-VL-MCD_L01A, 16459-VL-MCD_L02A and specification contained therein submitted on 12th February 2020. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 10 Prior to the occupation of the dwelling(s) hereby permitted, two 16amp (minimum) electric vehicle recharging point shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be

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

- 11 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029
- 12 No development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **REASON:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 13 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted . Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted . All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in

accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

- 14 The development hereby permitted shall not be occupied unless and a bin store has been constructed or laid out, and made available for use by the occupants of the development in strict accordance with details that shall have been submitted to and approved in writing by the local planning authority. Thereafter the bin store shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **REASON:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
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Extended Delegated Decisions Meeting: 20 August 2020

Application No: [W 20 / 0468](#)

Town/Parish Council: Leek Wootton
Case Officer: Andrew Tew

01926 456555 andrew.tew@warwickdc.gov.uk

Registration Date: 24/03/20

Expiry Date: 19/05/20

**The Warwickshire Golf and Country Club, Warwick Road, Leek Wootton,
Warwick, CV35 7QT**

Installation of containerised generator. FOR Euro Site Power Ltd

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

This application is recommended to be granted.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the installation of a natural gas fired Combined Heat and Power (CHP) generator, housed in a container. The generator would be sited to the East of the main building.

THE SITE AND ITS LOCATION

The application site is accessed off the Warwick Road roundabout on the approach into Leek Wootton. The site specifically is used as a health and fitness centre with adjoined hotel. Currently there is an indoor swimming pool and sauna complex. In the vicinity of the site is a complex of residential units, The Hayes, and a golf course. The site is within the Warwickshire Green Belt.

The siting of the generator will be to the Southern corner, next to the plant room. The site is at a lower level than the car park.

PLANNING HISTORY

W/98/0863 - Conversion of The Hayes to 11 flats with car parking, erection of a two storey leisure centre and a two storey 58 bedroom block with parking and access roads

W/15/1111 - Extension to health and fitness club lobby to form link to 56-bed hotel permitted by extant planning permission W/98/0863

W/19/2120 - Proposed single-storey extension to provide hotel breakfast room; creation of a spa garden, outdoor pool and associated reconfigured terrace to rear of Health and Fitness building

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- DS18 - Green Belt
- NE5 - Protection of Natural Resources
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Leek Wootton and Guy's Cliffe Neighbourhood Plan (2018-2029)
- LW3 - Protecting and enhancing built heritage

SUMMARY OF REPRESENTATIONS

Leek Wootton and Guy's Cliffe Parish Council – Objection. Concern was expressed by Councillors about the potential for noise and fumes affecting the apartments in The Hayes, which is also clearly of concern to the residents, as indicated by their objections. The decision to locate the equipment at the northern of the two possible sites causes further concern as it is the closest to The Hayes. The PC therefore supports the residents of The Hayes and objects to this application. The addition of enclosing walls, fencing or hedging may overcome some concern and would improve the visual appearance of the equipment in this rural/greenbelt location.

WDC Environmental Health – No objection subject to conditions

Councillors comments – 2 objections on the following grounds:

- contrary to Green Belt policy;
- use of non-renewable fuel to power the generator;
- noise and disturbance; and
- the incremental developments at this site do not benefit the local community.

Public response – 14 letters of objection, summarised as;

- Noise
- Fumes
- Siting
- Not a low carbon solution
- Visual amenity
- Effect on TV signal

ASSESSMENT

Principle of development

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 goes on to state that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, subject to certain exceptions. One such exception is the extension or alteration of a building provided that does not result in disproportionate additions over and above the size of the original building.

The original building provides circa 5,500sqm of floor space. Planning ref; W/15/1111 created an additional circa 55sqm and planning ref; W/19/2120 an additional 280sqm. This application will create circa 13.5sqm. Therefore, the total additional floor space is 348.5sqm. The proposed development would create a 6.3% uplift in size of the original building. The proposed development is viewed as an extension, as it needs to be sited so closely to the main building where the plant room is situated. Therefore the proposal does not amount to a disproportionate addition and is not inappropriate development within the Green Belt.

Therefore, the proposal is considered in accordance with Policy DS18 and the NPPF.

Impact on character of surrounding area

The siting of the proposed development has been queried by the Planning Officer, further to objection from neighbours and the Parish Council. The agent confirmed that the site was chosen as the South of the building is being developed as part of the approved planning application W/19/2120. Furthermore, the CHP unit needs to be in proximity of the boiler room at first floor level.

The area it is proposed to be positioned is near to the flats known as "The Hayes". However, it is circa 19m away from that building and the levels are such that the site is much lower than the property and the adjacent car park. Whilst the top of the generator could be viewed from the apartments at the rear of the Hayes, and the car park, it is considered that the fact that the relationship with the surrounding ground levels provides some degree of screening means that it will not have a significant effect on the character of the surrounding area. As such, the proposal accords with Local Plan Policy BE1 and Neighbourhood Plan Policy LW3.

Impact on local amenity

Whilst the site is a considerable distance from the village of Leek Wootton, there are dwellings near the application site, located in the Hayes.

There have been concerns raised by residents of the Hayes in relation to noise generation, fumes and siting, amongst other issues. Environmental Health have been consulted and issued a holding objection until the applicant had demonstrated the output of the generator accords to Warwick District Councils Air Quality and Planning Supplementary Planning Document (AQ SPD).

Further information supplied by the agent states that the chosen generator can be manufactured to emit NOx below the limits required by WDC's AQ SPD. Environmental Health recommend that, in relation to the emissions, a planning condition that shall require the installation of the plant detailed in the updated document and its retention/maintenance thereafter be imposed, should permission be forthcoming.

Environmental Health also acknowledge the potential impact the development could have on residents of the Hayes in relation to noise. In response to the concerns raised by Environmental Health, the agent submitted further details explaining noise and outputs from the proposed development and a noise report of a supposedly comparable scheme in Dunblane, Scotland. Due to the differences between the location in Dunblane and the application site, it was not viewed as sufficient mitigation by Environmental Health.

Therefore, to ensure the amenity of nearby residents, particularly those in the Hayes, Environmental Health recommend a condition that a noise survey specific to the application site is undertaken prior to first use. Environmental Health also recommend a further condition to impose a limit on noise levels. Subject to these conditions they have no objection.

Subject to the recommended conditions to ensure the amenity of nearby residents is protected, I am satisfied the application accords with Policy BE3 and NE5.

Other matters

Additional comments have been made relating to the effect that the development will have on TV signals and that it is not a low carbon solution. However, these are not material planning considerations for the type of development that has been proposed and therefore cannot be addressed in this report.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the development is considered to comply with the policies listed and therefore the application should be GRANTED.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 04 300 C201301 Rev 03 and specification contained therein, submitted on 14 May 2020 and EC5933-100-100 and specification

contained therein, submitted on 22 May 2020 **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

3 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON**: To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

4 The combined heat and power plant hereby permitted shall not be used unless and until:

- a) an assessment shall be undertaken to assess the impact of noise arising from the combined heat and power plant;
- b) the results of the noise assessment carried out to comply with (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and
- c) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details.

The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

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

5 The combined heat and power plant hereby permitted shall not be used unless and until details of how it would meet the requirements of the local planning authority's adopted Air Quality and Planning Supplementary Planning Document have been submitted to and approved by the local planning authority. The development shall be carried out and maintained at all times thereafter in strict accordance with the details approved under this condition. **REASON**: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

Extended Delegated Decisions Meeting: 20 August 2020

Application No: [W 20 / 0807](#)

Town/Parish Council: Kenilworth
Case Officer: Emma Booker

Registration Date: 03/06/20

Expiry Date: 29/07/20

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62 John O'Gaunt Road, Kenilworth, CV8 1DZ

Erection of a single storey front extension, single storey side extension, single and two storey rear extension and a rear dormer roof extension to facilitate a loft conversion. FOR Mr & Mrs Kelly

This application is being presented at the Extended Delegated Decision Meeting due to an objection from the Town Council having been received.

RECOMMENDATION

It is recommended that planning permission is GRANTED subject to conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

Proposed erection of a front, side and rear wrap around extension at single storey level and an extension to the rear of the dwelling at first floor level. A dormer window is also proposed to be erected to the rear to facilitate a loft conversion.

3 rooflights are proposed to be fitted within the front facing roofslope. This element of the scheme is considered to meet the limitations of Schedule 2, Part 1, Class C of the GPDO and does therefore not required planning permission. These rights have not been removed by condition for the subject dwelling.

The scheme has been amended since the submission of the application;

- Due to concerns raised over design and the impact to the character of the streetscene, the initially proposed two storey front extension has been omitted from the plans and replaced with a single storey front extension.
- The first floor rear gable extension is now proposed to be faced with render rather than matching brickwork
- The proposed application of render to the side elevation of the original dwellinghouse has also been omitted

At the time of the Officer's site visit, works had already started at the site and the ground floor front and side extensions were partially complete. A time condition is not required and has therefore not been recommended.

THE SITE AND ITS LOCATION

The application site relates to a two storey semi-detached dwelling located on the east site of John O'Gaunt Road in Kenilworth. The streetscene comprises dwellings

of two types; two storey semi-detached and detached all dating from the same period. A number of properties within close proximity to the site benefit from extensions of varied design and scale.

PLANNING HISTORY

The property benefits from a rear conservatory extension which is proposed to be demolished as part of the proposed scheme.

Application ref: W/19/0613 was approved in 2019 and granted permission for a scheme significantly larger in scale. The approval comprised a single front extension, a part single and two storey side extension, a two storey rear extension attached to a single storey rear extension, and a rear dormer roof extension. The applicant has chosen not to implement this permission as instead apply for permission to build the proposed scheme submitted under this application.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE3 - Amenity
- BE1 - Layout and Design
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Kenilworth Neighbourhood Plan (2017-2019)
- Parking Standards
- General Design Principles
- Environmental Standards of New Buildings

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council - Object on the basis that the proposal would have an adverse impact on the character of the streetscene by virtue of inappropriate massing and scale. Concern raised over the design of the dormer. Attention is drawn to policy SCO of the Local Plan and policy KP15 of the Kenilworth Neighbourhood Plan.

WCC Ecological Services - Recommend advisory notes relating to bats and nesting birds.

Public response - Objection from 64 John O'Gaunt Road with concerns raises in relation to;

- Privacy impacts
- Loss of light
- Noise

ASSESSMENT

Design of the proposed extension

Local Plan Policy BE1 requires all development to relate well and harmoniously with the architectural form of the surrounding built environment, in terms of scale and massing, and also through good design.

Kenilworth Neighbourhood Plan Policy KP13 requires development proposals to achieve a standard of design that is appropriate to the local area and demonstrate regard for the site characteristics and surrounding built form.

The single storey front and side elements of the amended scheme are considered to appear in keeping with the character of the subject dwelling and the streetscene. A precedent exists for extensions at single storey level which protrude forward of the original building line, it is therefore considered that the single storey front extension will not appear overly dominant nor negatively impact on the character of the streetscene. It is important to acknowledge that this element of the proposed scheme is similar in appearance to what has already been approved under application ref: W/19/0613.

Planning permission has already been granted for the proposed rear dormer (via application ref: W/19/0613) and, although its flat-roof design does not comply with the Residential Design Guide (SPD), this element of the proposal is considered acceptable on the basis that an extension of the same design and scale could be built by the applicant prior to the implementation of this planning permission through the use of the dwelling's permitted development rights. It is therefore considered that it would be unreasonable to refuse permission for the proposal on the basis of non-compliance with the SPD. Nevertheless, at this site the dormer is considered to have an acceptable impact on the character of the dwelling given its modern appearance and architectural style. Due to the narrow gaps between the dwellings and its position at the rear of the property, the dormer will not be readily visible from public vantage points so will have a limited impact on the character of the streetscene. Officers also acknowledge that flat roof dormers already contribute to the character of the area and can be found at sites on the west side of Lunn Avenue and the east side of John O'Gaunt Road.

Concern was raised in response to the initially proposed application of render to the side elevation of the original dwelling at first floor level. Whilst it is acknowledged that render currently contributes to the character of John O'Gaunt Road, it is not to the extent that was initially proposed here. Instead, render is typically applied to a small area above the front door of the dwellings at first floor level. Officers consider that the application of render to the side elevation of the original property would draw the eye towards the dwelling, causing it to visually stand out against the back-drop of the predominantly red/brown brick

properties on the eastern side of the highway. Through the latest amendment, the proposed plans show that render will now only be applied to the rear and north-facing elevations of the rear first floor extension, and thus will not be visible from public vantage points. Given the relatively narrow gap between the side elevations of the adjacent dwellings the rear extension is considered to make a limited contribution to the character of the streetscene, it is therefore considered that the use of render at the proposed scale is acceptable. In order to protect the character of the streetscene, permitted development rights will be removed for the application of render so that the extent of this material cannot be increased following the implementation of this permission without first obtaining planning consent.

The proposed single storey element of the proposal to the rear is considered acceptable in terms of design and scale.

Overall, the proposals are considered to appear sufficiently subservient to the original dwelling and in-keeping with its character. The proposals will not appear at odds with the prevailing character of John O'Gaunt Road due to the fact that the extensions will not protrude forward of the established building line and will harmonise with the layout of the surrounding built form.

Kenilworth Town Council have objected to the latest amendment of the scheme on the basis the proposal is inappropriate in terms of scale and massing, unacceptably changing the character of the established streetscene. They considered that the design does not harmonise with or enhance the existing neighbourhood and appears out of proportion with its surroundings. Despite acknowledging advice provided by Officers regarding the permitted development fall-back position related to the proposed rear dormer, the Town Council object to this element of the scheme on the basis that it would appear overly dominant and its design is in contravention of the Residential Design Guide (SPD). For reasons discussed above Officers do not agree with the concerns of the Town Council. Furthermore, it is considered that consideration must be given to the similar scheme that was approved under ref: W/19/0613 which carries significant weight when assessing the acceptability of this latest proposal.

Overall, as amended the proposed development is considered acceptable and in accordance with Local Plan Policy BE1 and the design criteria for extensions stipulated under Kenilworth Neighbourhood Plan Policy KP13. In coming to this decision, Officers have given appropriate weight to approval ref: W/19/0613. Due to the fact that works have already commenced at the site, the applicant has the option to implement this approved scheme which is considered to have a greater impact on the character of the streetscene by virtue of being greater in scale than the proposed development.

Impact on neighbouring properties

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states that extensions should not breach a 45 degree line taken from the

nearest habitable room of a neighbouring property. This serves to protect against loss of light and outlook. Kenilworth Neighbourhood Plan Policy KP13 supports this policy by requiring development proposals to give regard to the impact on the residential amenity of the existing and future residents.

An objection has been received from 64 John O'Gaunt Road on the basis that the proposal would generate increased opportunities for overlooking into their rear garden and may impact on light. Concern is also raised in relation to noise that may be generated and travel through the party wall.

The proposed single storey element of the scheme will breach the 45 degree line from the mid-point of the patio doors on the rear elevation of 64 John O'Gaunt Road. However this impact is considered acceptable on the basis that the existing conservatory extension is equal in depth to the proposed extension. On the other side of the subject dwelling, the single storey side/rear element will breach the 45 degree line from the ground floor window within the rear elevation of 60 John O'Gaunt Road. It is unclear whether this window serves the same room as the window to the left of it or whether the window serves a habitable room. Nevertheless, given that the depth of the single storey rear extension is no greater than 3.0 metres, it is considered that the impact to the living conditions within the neighbour's property is acceptable. This assessment is made on the basis that the applicant could build an extension that extends along the side elevation of the original dwelling and protrudes past the original rear elevation to a depth of 3.0 metres through the use of the Permitted Development Rights.

All other elements of the scheme will not breach the 45 degree line from windows serving habitable rooms of the neighbouring properties. Therefore the proposals will have an acceptable impact on the neighbours' light and outlook.

With regard to privacy, as existing the dwelling benefits from first floor side facing windows which are obscure glazed and serve the landing and bathroom. These windows are proposed to be retained and a new window is proposed at second floor level to serve the landing. In order to protect the amenity of the neighbours at no.60 and to reduce the impression of overlooking, it is considered reasonable to secure via condition the use of obscure glazing within all three units as the type of glazing has not been stated on the proposed plans.

The proposed extensions at the rear of the dwelling, which have caused the neighbours at no.64 concern, are not considered to generate increased opportunities for overlooking. All windows proposed to serve bedrooms are rear facing and would not provide views over the neighbours gardens which do not already exist. Due to the proximity of the dwellings, as a pair semi, it is considered that mutual overlooking exists and is part and parcel of living with an area laid out in such a way. For this reason it is considered that it would be unreasonable to refuse the application on this basis.

With regard to the concerns raised over noise, this is a matter dealt with via an application for Building Regulations approval rather than at the planning application stage.

Officers are satisfied that all habitable rooms within the subject dwelling will benefit from adequate light and outlook.

The proposal is acceptable and in accordance with Local Plan Policy BE3 and Kenilworth Neighbourhood Plan Policy KP13.

Parking

Local Plan Policy TR3 states that development will only be permitted that makes provision for parking which does not result in on-street car parking detrimental to highway safety. Development will be expected to comply with the parking standards set out in the most recent Parking SPD.

Kenilworth Neighbourhood Plan Policy KP12 states that development proposals should incorporate parking and cycle spaces at or above the numerical and design expectations set out in the Parking Standards.

Kenilworth Town Council object to the proposal on the basis that the car parking provision is inadequate.

The proposed development will increase the number of bedrooms in the dwelling from 3 to 5. The Council's adopted Parking Standards SPD stipulates that provision for 3 parking spaces should be provided within the residential curtilage in order to reduce the pressure imposed on parking within the highway. When out on site, the size of the driveway was considered large enough to accommodate 3 parked cars without overhanging onto the pedestrian footpath. Despite the concerns of the Town Council, Officers also acknowledge that planning permission has already been granted for similar proposals via the approval of application ref: W/19/0613, it would therefore be unreasonable to come to a different decision on the matter this time given that no objections have been received from neighbours regarding parking stress and the characteristics of the site have not changed. The proposed development is therefore considered to meet the criteria for policies TR3 and KP12.

Ecology

Local Plan Policy NE2 seeks to protect species of national and local importance for biodiversity and geodiversity. The policy stipulates that development will not be permitted that will destroy or adversely affect protected species.

Ecological Services have recommended notes relating to bats and nesting birds which Officers consider acceptable for the scale of the development. The proposal is considered to comply with policy NE2.

Other matters

As part of their objection, Kenilworth Town Council refer to KP15 of their adopted neighbourhood development plan. Kenilworth Town Council "requests that the applicants address matters relating to the environmental impact of the development with the aim of the resulting property, in its entirety, having an improved energy efficiency and water efficiency, where affected, compared to the existing property." KP15 encourages applicants to adopt higher environmental standards of building design and energy performance. Given that the policy seeks to *encourage* rather than requiring additional sustainability measures, this is not something that can be insisted upon. I also acknowledge that the scale of the

development is small and therefore consider that it would be unreasonable to insist on the provision of such information from the applicant.

Summary/Conclusion

The application is acceptable and considered to comply with Local Plan Policies BE1, BE3, TR3 and NE2 and Neighbourhood Plan Policies KP13 and KP12. The application is therefore recommended for approval.

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) 4435/d-sh1, and specification contained therein, submitted on 31st July 2020. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 2 Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no part of the dwellinghouse shall be rendered other than as shown on the approved drawings. **REASON:** To secure a satisfactory form of development in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
 - 3 Prior to the occupation of the development hereby permitted, the first and second floor windows in the south facing elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
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