

## Planning Committee Wednesday 13 March 2024

A meeting of the above Committee will be held at Shire Hall, Market Place, Warwick on Wednesday 13 March 2024, at 6.00pm.

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

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

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

### Emergency Procedure

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

### Agenda Part A – General

#### 1. Apologies & Substitutes

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

#### 2. Declarations of Interest

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

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

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

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

### 3. **Site Visits**

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

### **Part B – Planning Applications**

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

4. **W/23/0824 – Land at Goggbidge Lane, Warwick** (Pages 1 to 32)  
**\*\* WITHDRAWN FROM THE AGENDA\*\***
5. **W/23/1221- 26 Wellesbourne Road, Barford** (Pages 1 to 5)
6. **W/24/0178 –Town Hall, Parade, Royal Leamington Spa** (Pages to 5)

### **Part C – Other matters**

7. **Appeals Report** (To Follow)

#### **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.
- (f) Warwick District Council has adopted Probity in Planning. based on the Local Government Association and Planning Advisory Service Probity in Planning guide. It clarifies how Councillors can get involved in planning discussions on plan making and on applications, on behalf of their communities in a fair, impartial and transparent way.

This guide has been written for Councillors and officers involved in planning, who both should be familiar with their respective codes of conduct and appropriate guidance.

This guide is not intended to, nor does it constitute, legal advice. Councillors and officers will need to obtain their own legal advice on any matters of a legal nature concerning matters of probity.

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

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

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

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**Planning Committee:** 13 March 2024

**Item Number:** 5

**Application No:** [W 23 / 1221](#)

**Town/Parish Council:** Barford

**Case Officer:**

James Moulding

01926 456728 james.moulding@warwickdc.gov.uk

**Registration Date:** 14/10/23

**Expiry Date:** 13/01/24

**26 Wellesbourne Road, Barford, Warwick, CV35 8EL**  
Double storey side and rear extensions FOR Mr and Mrs Aujla

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This application is being presented to Committee as more than 5 support comments have been received for the application and it is recommended for refusal.

### **RECOMMENDATION**

It is recommended Planning Committee refuse planning permission for this application for the reasons set out in this report.

### **DETAILS OF THE DEVELOPMENT**

Double storey side and rear extensions.

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

The application site relates to a detached property in the Barford Conservation Area.

### **PLANNING HISTORY**

W/22/0483 - Erection of two storey front, side and rear extension and single storey rear extension - Granted

W/23/0094 - Variation of Condition 2 (approved plans) of planning permission ref: W/22/0483 (Erection of two storey front, side and rear extension and single storey rear extension) to remove the one metre set back from the boundary line and extending the first floor side extension all the way up to this boundary - Refused

### **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

- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Barford Neighbourhood Plan 2014-2029
- B6 - Heritage Assets
- B7 - General Design Principles
- B8 - Biodiversity and Design Principles

## **SUMMARY OF REPRESENTATIONS**

**Barford, Sherbourne, & Wasperton Joint Parish Council:** Objection, proposal would result in a building appearance which is over-bearing and out of scale when compared to other buildings in the vicinity.

**WCC Ecology:** Recommended condition for biodiversity enhancements, as per W/22/0483.

**Conservation:** Objection. Proposal felt to overly increase massing of an already large structure and pushes too close to the boundary. The application property is also in a sensitive location on one of the major routes into the village and would result in an adverse effect upon the overall character of the conservation area. Maintained original objection to use of blue brick.

**Public Response:** 2 objections and 7 support comments raising both material and non-material planning considerations (summarised below):

### Objections:

- Overdevelopment in relation to surrounding properties.
- Precedent to extend other properties in the street which would result in an urban development rather than the existing rural one.
- Conservation area was moved in the last review to include this line of properties to give greater protections to the conservation area and the Grade II\* Barford House.
- Box dormers at rear contravene the Residential Design Guide SPD.
- Loss of privacy to rear.

### Support:

- Development would enhance the area.
- Development would improve the current property.
- Development would be beneficial for the village.
- Development would improve the visual look of the property.
- Development would bring a good variation of designs to the street.

## **ASSESSMENT**

### BE1 Design & HE1 Impact on Heritage Asset

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

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

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

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

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

Neighbourhood Plan Policy B6 states that all new development in the Conservation Area and/or within the setting of a listed building will be expected to preserve and wherever possible enhance the positive attributes of the heritage asset. Development will not be permitted where it has a detrimental impact on the character of the Conservation Area.

Neighbourhood Plan Policy B7 states that all development proposals are required to demonstrate how they have taken into account the development's impact on local distinctiveness and should show clearly how the general character, scale, mass, and layout fits in with the character of the surrounding area.

The proposed development would result in the first floor side extension extending up to the neighbouring boundary. The other aspects of this scheme have already been approved under W/22/0483. The proposed change would contravene the Residential Design Guide SPD which requires a minimum separation distance of one metre from a common boundary in order to limit the terracing effect and to preserve the character of the street scene. While the distance to the neighbouring property has been argued as reasoning against the implementation of the one metre boundary separation, it is viewed that the likelihood of neighbouring development should not overrule the application of the guidance.

An objection has been raised to the character and scale of the development in the street scene. The street scene does not contain any other development which sees a two storey structure adjoining a common boundary and plots contain a degree of openness around properties. The conservation officer also raises an objection on this issue with regards to the massing adjacent to the shared boundary. It is viewed that this would have a negative impact on the conservation area as the conservation officer notes that unlisted buildings often contribute significantly to the special architectural or historic importance of conservation areas. It is considered that this massing at the boundary would be uncharacteristic of the street scene and conservation area.

A further objection has been raised to the impact on the setting of the Grade II\* listed building of Barford House which would have indirect views of the proposed development. As this has not been raised as an issue of concern by the conservation officer it is the view of the Local Planning Authority that this impact would be limited and would not in itself generate a reason for refusal.

It is considered that the proposal contravenes Local Plan Policy BE1, HE1, the Residential Design Guide SPD and Neighbourhood Plan Policies B6 and B7. It is not considered to be demonstrated that public benefits would outweigh this harm.

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

### BE3 Neighbouring Amenity

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

An objection has been raised regarding the impact of the proposed dormers on neighbouring privacy. It is noted that this is present on the currently approved plans under W/22/0483. As there would be no breach of the 45 degree line it is considered that the application would not create an unacceptable impact on neighbouring dwellings.

It is considered that the proposal complies with Local Plan Policy BE3.

### **Summary**

The proposals are considered to have an unacceptable impact on the character and quality of the street scene and Conservation Area through the proposed layout and scale of the development. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings. The proposals therefore contravene Local Plan Policies BE1, HE1, the Residential Design Guide SPD, and Neighbourhood Plan Policies B6 and B7. It is recommended this application is refused.

## **REFUSAL REASONS**

- 1 Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Furthermore the Residential Design Guide SPD provides a detailed framework which should be followed in order to achieve good design. This stipulates that first floor side extensions should be set in a minimum of 1m from the side boundary. In addition, Neighbourhood Plan Policy B7 requires that applications take into account the general character, scale, mass, and layout of the site.

The 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.

The street scene is characterised by the regular spacing of properties, with the spaces between the properties forming an important feature in defining the character of the area. In the opinion of the Local Planning Authority, by reason of the proximity of the first floor extension to the side boundary (in conflict with the requirements of the Residential Design Guide SPD), the proposal would lead to the creation of a terracing effect and be harmful to the character of the area.

The proposal is thereby considered to be contrary to the aforementioned policies.

- 2 Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In addition, Local Plan Policy HE1 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. Neighbourhood Plan Policy B6 states that development will not be permitted where it has a detrimental impact on the Conservation Area.

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the conservation area by reason of overly increasing the massing of an already large structure which would push too close to the boundary which would be uncharacteristic of the Conservation Area. No public benefits have been identified to outweigh this harm.

The development is thereby considered to be contrary to the aforementioned policies.

**Application No:** [W 24 / 0178](#)

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

**Registration Date:** 22/02/24  
**Expiry Date:** 18/04/24

01926 456534 [lucy.hammond@warwickdc.gov.uk](mailto:lucy.hammond@warwickdc.gov.uk)

**Town Hall, Parade, Leamington Spa, CV32 4AT**

Proposed site hoarding comprising 62no. panels (maximum height of 2.4m) in connection with refurbishment works being undertaken at the Town Hall (revision to previously approved W/23/1411). FOR Warwick District Council

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

**RECOMMENDATION**

That authority be delegated to Officers to approve advertisement consent, subject to the conditions listed at the end of this report upon the expiry of the consultation period on 15 March 2024.

**DETAILS OF THE DEVELOPMENT**

Revised advertisement consent is sought for the erection of temporary site hoardings around the front of the Town Hall. The hoardings would comprise 62no. panels with a maximum height of 2.4m and some of the individual panels are proposed to display graphics relating to the wider Town Hall refurbishment project (previously approved under an earlier application). It is anticipated that the hoardings would be in place only for the duration of the works being undertaken at the Town Hall.

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

**THE SITE AND ITS LOCATION**

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

The Town Hall is centrally placed in the town centre and is within the Royal Leamington Spa Conservation Area as well as the Creative Quarter. Its main entrance fronts Parade to the west; a further entrance sits on its southern elevation fronting Regent Grove, to the north side is Livery Street, otherwise known as Regent Court, which is a pedestrianised route through to Regent Street to the north, characterised by restaurants and other dining facilities. At the rear of the Town Hall, there is an area for car parking which is accessed off Regent Grove to the south.

## **PLANNING HISTORY**

While there are several historic planning records for the Town Hall, most refer to previous Listed Building Consents primarily concerned with internal works and refurbishment, but which are of no direct relevance to the proposals being considered here. Of more relevance are the two recent records from earlier in 2023 which gave approval for the works with which the hoarding is associated, and of most direct relevance is the previous advertisement consent approved in just the last three months, which this current submission seeks to slightly revise. These are summarised below:-

W/23/1411 - Proposed site hoarding comprising 54no. panels (maximum height of 2.4m) in connection with refurbishment works being undertaken at the Town Hall  
- Approved 15.12.2023

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

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

## **RELEVANT POLICIES**

- National Planning Policy Framework

### Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- TR1 - Access and Choice

### Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS3 - Conservation Area
- RLS17 - Royal Leamington Spa Creative Quarter

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** To be confirmed via updates to committee

**WDC Conservation:** To be confirmed via updates to committee

**WCC Highways:** To be confirmed via updates to committee

Officer note - advertisement consent was only recently approved for the same principle of works and only a minor amendment is now proposed regarding the precise positioning of the proposed panels on site. In view of the legislative requirements for limited public consultation to be undertaken for this type of application it is Officers' view that the referral to committee should not be delayed due to the consultation expiry period.

## **ASSESSMENT**

### Background and Context for this application

Though summarised in the relevant history above it is important to note that this application serves as a revised proposal to an application for similar works approved within the last three months. As set out above, express consent is only required owing to the fact that some of the proposed panels include graphics and/or logos which constitute an advertisement. In considering this application and whether or not to approve consent, Officers would note that it is the panels themselves, i.e. their physical location, placement on the site and size for which approval is being sought and not the content and nature of the proposed graphics, text and logos. That being said Officers also note that the proposed graphics, text and logos illustrated on the submitted drawing is identical to the earlier consent approved in December 2023 and no changes are proposed in this regard. The only proposed change for which revised consent is now sought is to the precise position of some of the panels around the site's frontage, rendering the works, as a whole, in need of a revised consent.

### Impact on Local Amenity

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Furthermore, development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

The proposed temporary hoarding is of a scale and nature in keeping with the setting of the Town Hall which will be the subject of refurbishment works for the

duration the hoardings are in place. Each individual panel would measure no more than 2.4m in height, with some measuring less than that where site levels necessitate it, particularly on the southern return which wraps around the corner of Regent Grove and takes account of the steps in front of the building.

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

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

#### Impact on Heritage Assets

In light of the above assessment, owing to the temporary nature of the hoardings and given advertisement consent has already been very recently approved in principle, no objection is raised by the Conservation Officer who is satisfied that the proposed works remain acceptable to the setting of the listed building as well as the character and appearance of the Royal Leamington Spa Conservation Area.

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

#### Impact on Highway Safety

The County Highways Officer has reconsidered the revised proposal and it is noted that the hoardings would continue to be non-illuminated and temporary in nature. For these reasons, no concerns were raised in relation to the approved consent and at the time of writing this report verbal advice had been received suggesting that the revised application should continue to be acceptable, providing there is no resulting obstruction caused to pedestrians by reason of the revised position (in part) of the panels where they follow the site's frontage parallel to the pavement edge. The Highways Officer advised they would clarify and confirm the extent of the land within the control of the Highways Authority, bearing in mind the land in front of the Town Hall is in private ownership and not maintained by the Highways Authority, and moreover confirm the required width necessary for pedestrians to travel safely across the site's frontage. Based on a presumption that these matters continue to be acceptable, no objection is raised on highway safety grounds.

There are no other public safety issues associated with the proposal.

### **SUMMARY/CONCLUSIONS**

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

**CONDITIONS**

The standard 5 conditions for advertisement consents, plus:

- 6 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 241990-PUR-00-XX-DR-A-9000 Rev.P03; 'Proposed Site Hoarding Graphics - Concept Drawing Rev.03' and 'Site Hoarding Concept Proposals Issue 03: February 2024' and specification contained therein, submitted on 09 February 2024. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

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