

# Planning Committee

Monday 25 April 2016

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A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Monday 25 April 2016 at 6.00pm.

Councillor Cooke (Chairman)

Councillor Ashford (Vice Chairman)

Councillor Boad

Councillor Mrs Knight

Councillor Mrs Bunker

Councillor Morris

Councillor Cain

Councillor Mrs Stevens

Councillor Mrs Falp

Councillor Weed

Councillor Mrs Hill

## Emergency Procedure

At the commencement of the meeting the emergency procedure for the Town Hall will be displayed on screen for information.

## Agenda

### Part A – General

#### 1. Apologies and 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 entered on the form to be circulated with the attendance sheet and declared during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee of 29 March 2016.

**(To follow)**

**Part B – Planning Applications**

To consider the following reports from the Head of Development Services:

- |     |  |                        |
|-----|--|------------------------|
| 5.  | <b>W/14/0944 – Barn 1, Plestowes House, Hareway Lane, Barford</b>        | <b>(Pages 1 to 12)</b> |
| 6.  | <b>W/14/0945 – Long Barn, Plestowes House, Hareway Lane, Barford</b>     | <b>(Pages 1 to 10)</b> |
| 7.  | <b>W/15/1761 – Land on the West Side of Southam Road, Radford Semele</b> | <b>(Pages 1 to 21)</b> |
| 8.  | <b>W/16/0196 – Land to the South of Offchurch Lane, Radford Semele</b>   | <b>(Pages 1 to 22)</b> |
| 9.  | <b>W/16/0200 – Greenacre, Rising Lane, Baddesley Clinton</b>             | <b>(Pages 1 to 11)</b> |
| 10. | <b>W/16/0217 – Land adjacent South View, Forrest Road, Kenilworth</b>    | <b>(Pages 1 to 11)</b> |
| 11. | <b>W/16/0280 – Weston House, Rugby Road, Weston Under Wetherley</b>      | <b>(Pages 1 to 11)</b> |
| 12. | <b>W/16/0379 – Elm Farm, Long Itchington Road, Hunningham</b>            | <b>(Pages 1 to 14)</b> |
| 13. | <b>W/16/0412 – The Forge, Hatton Green, Hatton</b>                       | <b>(Pages 1 to 8)</b>  |
| 14. | <b>W/16/0448 – Units 1 to 3, St Mary's Road, Royal Leamington Spa</b>    | <b>(Pages 1 to 7)</b>  |
| 15. | <b>W/16/0457 – 98 Bridge End, Warwick</b>                                | <b>(Pages 1 to 14)</b> |
| 16. | <b>TPO 503 – 7 Castle Street, Warwick</b>                                | <b>(Pages 1 to 4)</b>  |
| 17. | <b>TPO 504 – 20/22 Millers Road, Warwick</b>                             | <b>(Pages 1 to 3)</b>  |

**Part C – Other matters**

- |     |                               |                    |
|-----|-------------------------------|--------------------|
| 18. | <b>Current Appeals Report</b> | <b>(To follow)</b> |
|-----|-------------------------------|--------------------|

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 Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8:00am to 7:00pm, Friday 8:00am to 6:00pm and Saturday 9:00am to 1pm) or email [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk), anytime after the publication of this agenda, but before 12 noon 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 web site, and where possible, the applicant and all registered speakers (where applicable) will be notified via telephone.

Published Friday 15 April 2016

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

Telephone: 01926 456114

E-Mail: [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk)

For enquiries about specific reports, please contact the Case Officer named in the reports.

You can e-mail the members of the Planning Committee at

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

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Please note that the majority of meetings are held on the first floor of the Town Hall. If you feel that this may restrict you attending this meeting, please telephone (01926) 456114 prior to the meeting, so that we can assist you and make any necessary arrangements to help you to attend the meeting.

The agenda is available in large print on request,  
prior to the meeting, by telephoning (01926)  
456114

**Planning Committee:** 25 April 2016

**Item Number: 5**

**Application No:** [W 14 / 0944](#)

**Town/Parish Council:** Barford

**Case Officer:** Liam D'Onofrio

01926 456527 [liam.donofrio@warwickdc.gov.uk](mailto:liam.donofrio@warwickdc.gov.uk)

**Registration Date:** 01/02/16

**Expiry Date:** 28/03/16

**Barn 1, Plestowes House, Hareway Lane, Barford, Warwick, CV35 8DD**

Change of use from office (Use Class B1) to residential dwelling with minor alterations including erection of previously permitted garaging to form additional living accommodation, parking spaces and domestic storage space FOR Mr Murdoch

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This item is being brought to Committee because Officers consider it to be appropriate in the circumstances of the case.

**RECOMMENDATION**

Planning Committee are recommended to grant planning permission, subject to conditions.

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the change of use of the (former) agricultural barn building from offices (B1 Use Class) to a residential dwellinghouse (C3 Use Class). The scheme will provide three bedrooms and requires minimal alterations including the removal of several existing roof lights with their re-introduction to another roof plane facing away from the farmyard, a flue and the infilling of one bay of an open fronted triple garage, which has not been constructed but for which permission remains extant under planning permission W/02/0822, which has been previously implemented. A small garden area will be provided to the south of the building.

The application is accompanied by a Planning Statement, Sustainable Buildings Statement and Noise Report.

There is a concurrent application for the change of use of Long Barn from office to residential use under planning application W/14/0945.

**THE SITE AND ITS LOCATION**

Plestowes House and the adjacent Plestowes Farm are located broadly 1.5 km to the east of Barford and the same distance to the west of Bishops Tachbrook within open countryside. Both sites which are in separate ownership and control are served by separate private drives accessed from the southern side of Hareway Lane.



The application site relates to Barn 1, which is of brick construction with a clay tile roof and located to the southwest of the office barn complex. Barn 2 is located to the east and Plestowes House and Long Barn located to the north and northeast respectively. The site is bounded by open countryside to the south. To the east of the complex are more modern agricultural buildings and yard associated with Plestowes Farm.

## **PLANNING HISTORY**

### **Plestowes House**

- 1987 - Planning permission for change of use of existing barns and outbuildings to holiday accommodation (Ref W/86/0582)
- 1987 - Planning permission for change of use of barns to provide six holiday cottages and laundry/ storage rooms. (W86/1043)
- 1988 and 1993 - Planning permission granted for conversion of barns and piggery to four dwellings and 7 garages - (W/88/0852 & W/93/0735). Not implemented.
- 1999 - Planning permission granted for conversion of barn to offices (class B1)- 'Long Barn' - (W/99/0220). Inherent in the permission was use of much of the courtyard for office parking.
- 2002 - Planning permission granted for change of use of partially converted farm building to offices. (W/02/0822)
- W/11/0193 Proposed change of use from offices (Use Class B1) to 2 houses (Class C3) with minor alterations including erection of previously permitted garaging and infilling of garaging to form additional living accommodation: Refused 09/01/12 as there was insufficient evidence provided to demonstrate that other non-residential uses were appropriate and concern regarding the disturbance to residents from the adjoining farm.
- W/12/1022 Change of use from offices (Use Class B1) to 2 live/work units (sui generis) with minor alterations including erection of previously permitted garaging and conversion of garaging to form additional living accommodation: Withdrawn 19/10/12
- W/13/0778 Change of use of Barns 1 & 2 from offices to residential (prior notification):Refused 30/07/13 as buildings are restricted to a B1 Use Class only preventing their conversion to residential under Class J permitted development rights.

### **Plestowes Farm:**

- 1992 - Agricultural notification for the erection of an agricultural building to store machinery - accepted as agricultural permitted development. (Ref W92/0151/AG).
- 1999 - Agricultural notification for the erection of a Dutch barn - permitted development (00/0713/AG).

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)
- SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE4 - Converting Rural Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)

## **SUMMARY OF REPRESENTATIONS**

**Barford Sherbourne & Wasperton Joint Parish Council** - No observations received.

**Environmental Health:** No objection, subject to condition.

**WCC Highways:** No objection.

**Public response:**

The adjoining neighbour (who operates a working farm) has raised extensive comments and objections to the proposed change of use. The key issues are identified below:

- Strongest possible objection to the proposals, on the grounds that if planning consent is granted and the subsequent Environmental Health complaints are made this has the potential to severely impact on the ability to successfully operate the organic farming business at Plestowes Farm.
- Expert advice submitted by the farmer sets out various reasons why the applications should be refused, with specific reference to noise, odour and dust.
- As part of the organic expansion of the farm there is a greater requirement for grassland compared to other arable and as such moving an organic suckler herd into the cattle buildings is a very real possibility within a relatively short timeframe. The farmer retains the right to keep livestock in these buildings and adjoining yard at any time and this is a very real possibility which should be attributed great weight in the planning balance.
- The applicant states that no complaints have currently been received from the previous occupiers of the offices within the barns, but the adjoining farmer notes that there are some very distinct and important differences in the expectations of office occupiers and residential building occupiers and their requirements.
- No viability assessment has been provided to demonstrate that the offices are not viable.
- The location is unsustainable and contrary to paragraph 55 of the NPPF.

**ASSESSMENT**

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

- The principle of development;
- Design;
- Neighbouring amenity;
- Renewable energy;
- Ecology;
- Health and Wellbeing;
- Other matters.

**The Principle of the Development**

The applicant has previously identified that the building is not economically viable as an office, primarily as there is inconsistent broadband access at the rural site, and has satisfied criteria (b) such that the proposed development would accord with Local Plan Policy SC2, which seeks to protect employment land and buildings.

The conversion would accord with the aims and objectives of Local Plan Policy RAP7 and the aims and objectives of the NPPF 2012 in that the building is of substantial and permanent construction, the use can be accommodated without extensive rebuilding or alteration to the external appearance of the building and will retain/respect the special qualities/features of the traditional rural building.

As the building has already been converted to an office use minimal alterations are required.

In terms of sustainability Section 55 of the NPPF 2012 seeks to promote sustainable development in rural areas and states that LPAs should avoid new isolated homes. Given the existing office use of the building and the fact that the proposed dwelling will be located within a small cluster of several dwellings no issues are raised relating to the sustainability of the proposed use in this particular case relative to the existing/permitted use.

### **Design/amenity**

The building has already been converted to an office and will therefore require minimal changes to convert to a dwellinghouse. The scheme is not therefore considered to harm the original character of the building or the visual amenity of the cluster of (former) farm buildings.

The buildings are largely screened from the public highway to the north. The proposed curtilage is modest in scale and, as with any conversion of a traditional farm building, it will be reasonable and necessary to remove permitted development rights to ensure that no further development takes place that would erode the agricultural character of the former agricultural building or the character of the rural area.

### **Neighbouring amenity**

The proposed change of use will not result in any significant impact upon the amenities of surrounding occupiers in terms of outlook, privacy or disturbance compared to the existing office use. The amenities of the future occupiers of the Barn 1 must also be considered and the concerns raised by the adjoining working farm have been carefully noted.

The Environmental Health Officer (EHO) has visited the application site and adjoining farm and assessed the individual reports submitted by the applicant and adjoining farmer, who is objecting to the scheme. The EHO raises no objection to the conversion of Barn 1 to a residential use, subject to conditions to protect the amenity of future residents of the development against noise and odour. The EHO considers that residential occupiers may experience noise and odour from the adjacent farm yard. The building referred to on the plans as Barn 2, which is owned by the applicant, lies between the application site and the neighbouring farm yard and provides a degree of shielding and further suitable mitigation measures can be incorporated within the proposed development to protect amenity. The EHO notes that Barn 1 is situated within the application site and it does not share a boundary with the farmyard. It is partially shielded from the farmyard by Barn 2 which forms part of the boundary. In terms of the key issues the EHO has commented as follows:

#### Noise

There are 2 grain dryers within the objector's farm and close to the application site. One is internally situated within a shed and operates all year round. The second grain dryer is external. There is currently a line of sight from the front door of Barn 1 to the shed housing the internal grain dryer. The EHO considers that the noise from either grain dryer as experienced at Barn 1 would not amount to a statutory nuisance, although the external grain dryer is more noisy and could have the potential to adversely affect the amenity of residents of Barn 1 if not mitigated. Furthermore if the cattle shed and yard were used for cattle there is the potential for the amenity of Barn 1 to be affected by cattle noise without mitigation measures being implemented.

The EHO therefore recommends a condition to require the applicant to retain Barn 2 to provide a noise screen and a condition to provide acoustic fencing. The condition proposed will ensure that Barn 2 is not removed, should this ever become necessary in the future, without consultation with the LPA to ensure a suitable replacement noise screen can be secured. Given the large bulk and massing of existing and former farm buildings it is considered that an appropriate acoustic fence solution can be achieved that will not affect the visual amenity of the rural locality or the amenities of the adjoining farm.

### Odour

The EHO notes that the owner of the adjacent farm may house cattle in the cattle shed currently used for storage and cattle would also use the cattle yard adjacent to the application site, which could introduce a source of offensive odour that is not currently present.

The EHO has questioned the Air Quality survey submitted by the adjoining farmer and the analysis of odour intensity at Barn 1. Without doubt the close proximity of Long Barn (considered under the concurrent planning application W/14/0945) on the boundary of the cattle yard means that it will be adversely affected by smell however the EHO has concerns as to how the consultants have arrived at the odour distribution set out in the odour concentration maps which form part of their report in relation to Barn 1. The EHO has concluded that whilst it is accepted that there may be occasional periods of unpleasant odour (should cattle be introduced at the neighbouring farm), on balance it is not considered that there will be a serious adverse effect on the amenity of occupiers of Barn 1. To address the uncertainty the EHO has suggested the re-positioning of the existing roof lights to the roof pitch facing away from the farm in order to reduce the likelihood of high concentrations of odour entering the building. The applicant has amended the plans accordingly.

### Dust

The EHO does not believe that dust and debris from the farm would adversely affect amenity at Barn 1 to a significant degree and the erection of the acoustic fence would likely eliminate this entirely.

### **Renewable Energy**

The scheme will require the provision of either renewable technology to meet 10% of the predicted energy requirements for the dwellinghouse or improved insulation to reduce the energy demand of the property. This can be secured through condition.

### **Ecology**

The building has already been converted and the change to a residential use should require minimal external changes. The scheme is not therefore considered to result in any significant impact upon protected species.

### **Health and wellbeing**

The application is not considered to raise any health and wellbeing issues.

### **Other matters**

The scheme will use an existing and established access and there will be ample parking within the site with three allocated parking spaces (two garage spaces) that can be retained by condition. The Highway Authority have raised no objection to the scheme.

No drainage issues are raised, given that the building already exists.

There is no public open space within the locality and no contributions are therefore sought.

### **Summary/Conclusion**

In the opinion of the Local Planning Authority, the development is acceptable in principle and does not adversely affect the amenity of nearby residents or highway safety. The scheme, subject to conditions, is considered to achieve an appropriate level of amenity to the future occupiers of the building. The proposal is therefore considered to comply with the policies listed.

### **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) ra152/04A, ra152/05A, 413/3A, and specification contained therein, submitted on 31/03/16. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 Prior to the commencement of development a scheme shall be

submitted to and approved in writing by the Local Planning Authority providing full details and specification of the acoustic fencing, the location of which is shown on the approved plans. The approved scheme shall be implemented in full prior to first occupation of the dwelling house hereby approved and retained in perpetuity thereafter. **Reason:** To ensure that an unacceptable disturbance is not created to the detriment of the amenities of the future occupiers of the property in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

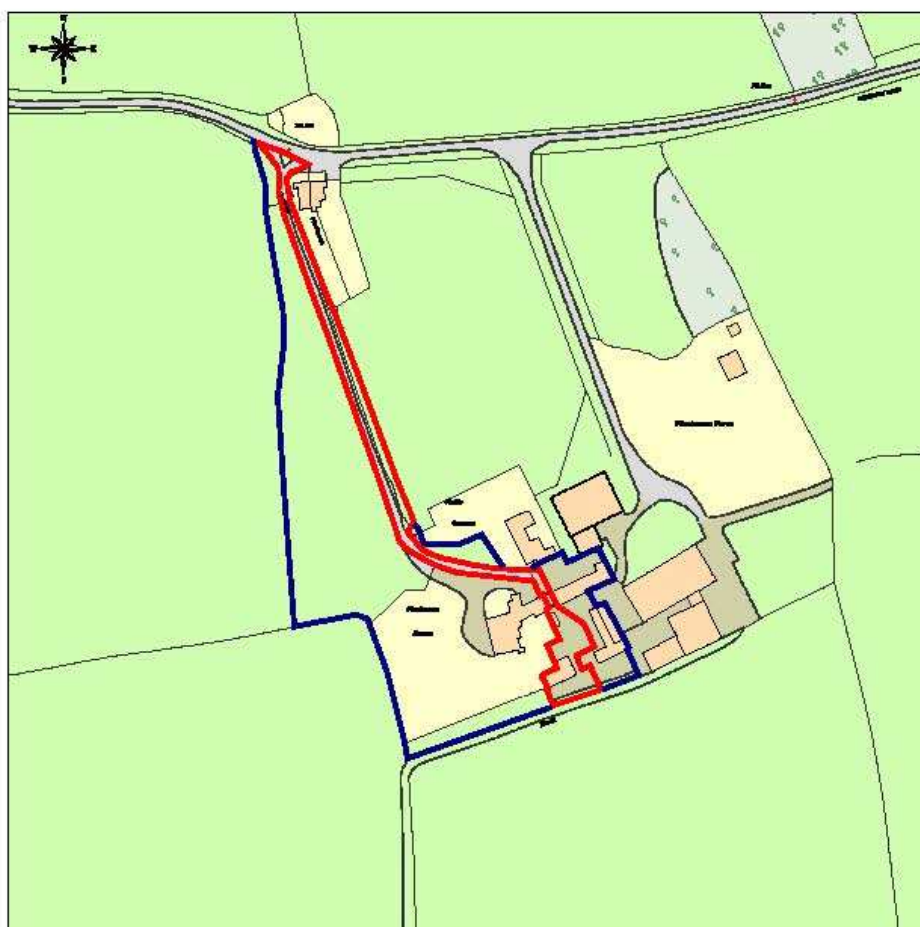
- 4 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the dwellinghouse hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. 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 DP1, DP2 and DP3 of the Warwick District Local

Plan 1996-2011.

- 6 Should the office building identified as Barn 2 on the approved layout plan "413/3 rev A" be removed then prior to its removal details of an alternative scheme to mitigate the effects of noise nuisance to occupants of Barn 1 shall be submitted to and approved in writing by the Local Planning Authority along with timescales for its implementation. The approved scheme shall be implemented in full and in accordance with the approved timescales. **Reason:** Barn 2 forms a noise screen to Barn 1 and without alternative noise screen solution there would likely be an adverse impact to the detriment of the amenities of the future occupiers of the property contrary to Policy DP2 of the Warwick District Local Plan 1996-2011.
  - 7 All external facing materials for alterations to facilitate the change of use hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
  - 8 Any new or replacement window and door frames shall be constructed in timber and shall be colour coated to match the existing. New roof lights shall match the existing. **REASON:** To ensure an appropriate standard of design and appearance for the converted (former) agricultural building and to satisfy Policy RAP7 of the Warwick District Local Plan 1996-2011.
  - 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any dwellinghouse hereby permitted without the prior written approval of the local planning authority. **REASON:** To ensure that the openness of the rural area and the scale, character and appearance of the dwellinghouse is not altered by further extensions, in accordance with Policy RAP2 of the Warwick District Local Plan 1996-2011.
  - 10 The development 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 adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.
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## Site Plan of CV35 8DD



This Plan includes the following Licensed Data: OS MasterMap Colour PDF Site Plan by the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date of production. Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey. The representation of a road, track or path is no evidence of a right of way. The representation of features, as far as is no evidence of a property boundary. © Crown copyright and database rights, 2014. Ordnance Survey 0100021673

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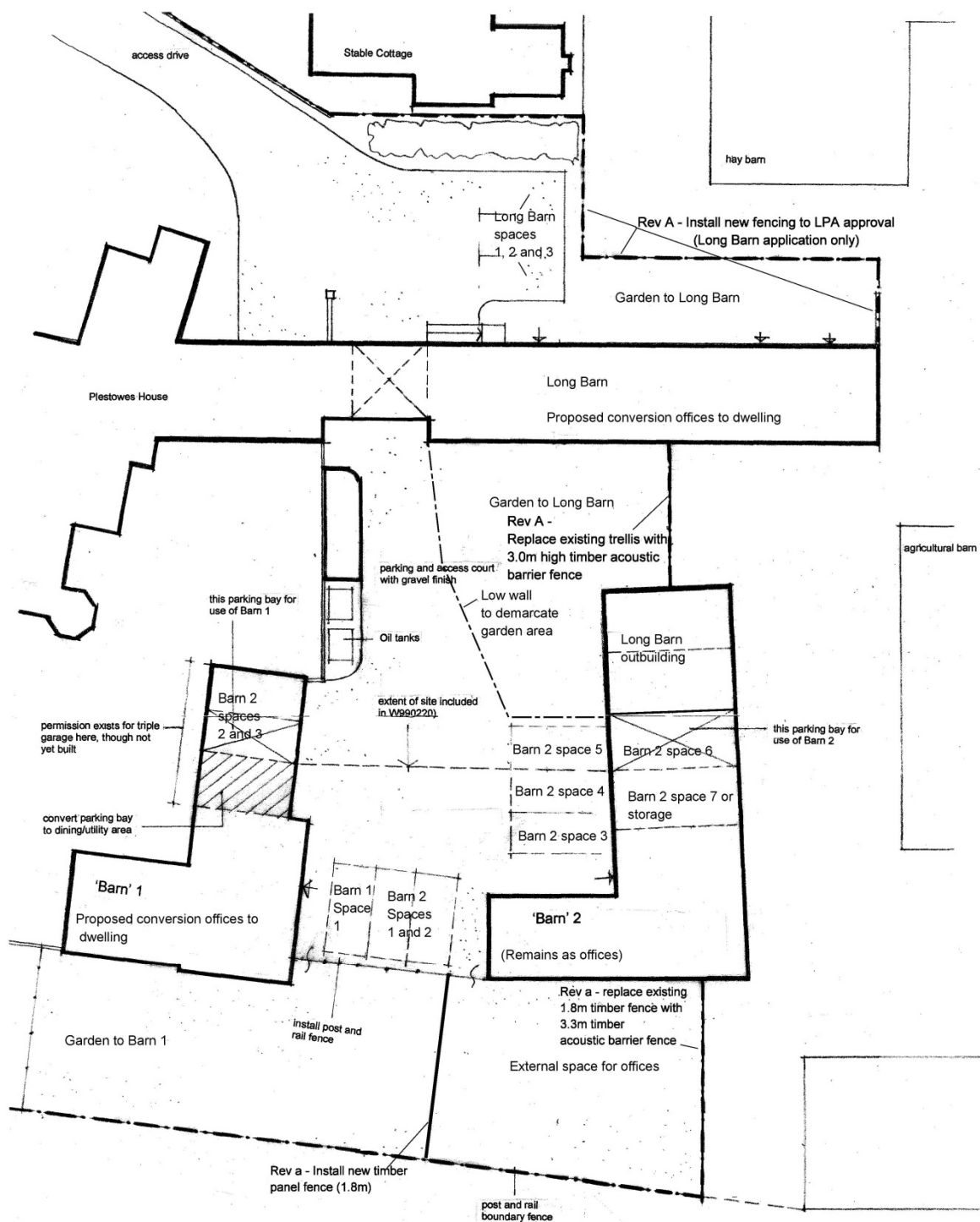
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Location plan

Barn 1, Plestowes House, Hareway Lane, Barford CV35 8DD

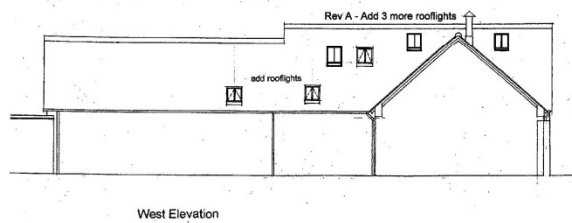
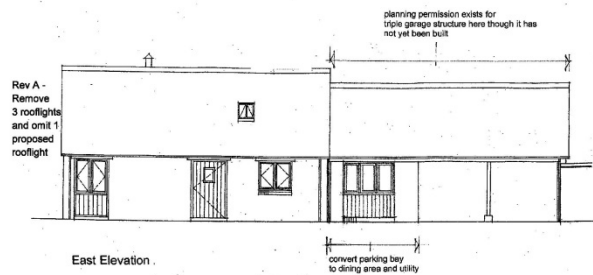
**plans ahead** by **emapsite™**

Prepared by: Lee Greenwood, 18-06-2014



Change of use of Barn 1 and Long Barn from offices to dwellings  
Plestowes Barns, Barford, for Mr and Mrs Murdoch  
**Proposed site plan**  
Scale 1:200 @A3  
Drawing no. 413/3 Rev A  
April 2014 (Revised March 2016)



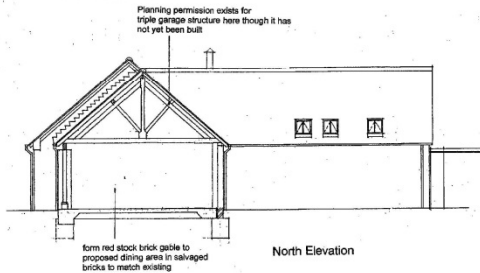
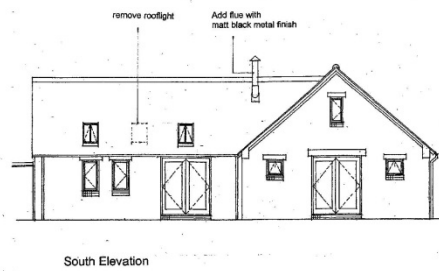


External Materials:

Walls ..... Red stock brick

Roof ..... Plain tile

Windows/doors ..... Stained timber frame



ra

roger abbott riba chartered architect

54 west street, shalford-upon-avon, CV37 2DE  
tel: 01789 414853 - fax: 01789 414854 - email: roger.abbott@netcom.co.uk

Change of use of 'Barn' 1  
Plestowes House, Barford, for Mr and Mrs Murdoch  
'Barn' 1: Proposed Elevations  
Scale 1:100. January 2011. Drawing ra152.05 Rev A  
at A3 Revised March 2016

**Planning Committee:** 25 April 2016

**Item Number:** **6**

**Application No:** [W 14 / 0945](#)

**Town/Parish Council:** Barford

**Case Officer:** Liam D'Onofrio

01926 456527 liam.donofrio@warwickdc.gov.uk

**Registration Date:** 01/02/16

**Expiry Date:** 28/03/16

**Long Barn, Plestowes House, Hareway Lane, Barford, Warwick, CV35  
8DD**

Change of use from offices (Use Class B1) to residential dwelling with minor alterations, plus the change of use of 2 existing garage spaces to use for domestic storage FOR Mr Murdoch

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This item is being brought to Committee because Officers consider it to be appropriate in the circumstances of the case.

**RECOMMENDATION**

Planning Committee are recommended to refuse planning permission.

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the change of use of the (former) agricultural barn building from offices (B1 Use Class) to a residential dwellinghouse (C3 Use Class). The scheme will provide three bedrooms and requires minor internal alterations and no external alterations to facilitate the change of use. A small garden area will be provided to the north of the building with a further garden to the south.

The application is accompanied by a Planning Statement, Sustainable Buildings Statement and Noise Report.

There is a concurrent application for the change of use of Barn 1 from office to residential use under planning application W/14/0944.

**THE SITE AND ITS LOCATION**

Plestowes House and the adjacent Plestowes Farm are located broadly 1.5 km to the east of Barford and the same distance to the west of Bishops Tachbrook within open countryside. Both sites which are in separate ownership and control are served by separate private drives accessed from the southern side of Hareway Lane.

The application site relates to Long Barn, which is of brick construction with a clay tile roof and physically linked to Plestowes House to the west. Barns 1 and 2, also within office use are located to the south, with open countryside beyond.

The eastern boundary of the site abuts the farm yard and more modern agricultural buildings associated with Plestowes Farm and Long Barn physically projects into this adjoining farm yard with the south and eastern walls of the building forming the boundary.

The adjoining farm is a working environment with livestock, farm yard machinery and grain dryers. There is an existing cattle yard and cattle barn in close proximity and whilst these are currently unused for this purpose the Farmer has confirmed their intention to re-introduce cattle to the site.

## **PLANNING HISTORY**

### **Plestowes House**

- 1987 - Planning permission for change of use of existing barns and outbuildings to holiday accommodation (Ref W86/0582)
- 1987 - Planning permission for change of use of barns to provide six holiday cottages and laundry/ storage rooms. (W86/1043)
- 1988 and 1993 - Planning permission granted for conversion of barns and piggery to four dwellings and 7 garages - (W88/0852 & W93/0735). Not implemented.
- 1999 - Planning permission granted for conversion of barn to offices (class B1)- 'Long Barn' - (W99/0220). Inherent in the permission was use of much of the courtyard for office parking.
- 2002 - Planning permission granted for change of use of partially converted farm building to offices. (W02/0822)
- W/11/0193 Proposed change of use from offices (Use Class B1) to 2 houses (Class C3) with minor alterations including erection of previously permitted garaging and infilling of garaging to form additional living accommodation: Refused 09/01/12 as there was insufficient evidence provided to demonstrate that other non-residential uses were appropriate and concern regarding the disturbance to residents from the adjoining farm.
- W/12/1022 Change of use from offices (Use Class B1) to 2 live/work units (sui generis) with minor alterations including erection of previously permitted garaging and conversion of garaging to form additional living accommodation: Withdrawn 19/10/12
- W/13/0778 Change of use of Barns 1 & 2 from offices to residential (prior notification):Refused 30/07/13 as buildings are restricted to a B1 Use Class only preventing their conversion to residential under Class J permitted development rights.

### **Plestowes Farm:**

- 1992 - Agricultural notification for the erection of an agricultural building to store machinery - accepted as agricultural permitted development. (Ref W92/0151/AG)
- 1999 - Agricultural notification for the erection of a Dutch barn - permitted development (00/0713/AG)

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)
- SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE4 - Converting Rural Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)

## **SUMMARY OF REPRESENTATIONS**

**Barford Sherbourne & Wasperton Joint Parish Council:** No observations received.

**Environmental Protection:** Objection due to the likely noise and odour impact to future occupiers from the adjacent farm yard at a level that would have a significantly adverse effect on amenity.

**WCC Highways:** No objection.

**Public response:**

The adjoining neighbour (who operates a working farm) has raised extensive comments and objections to the proposed change of use. The key issues identified are as follows:

- Strongest possible objection to the proposals, on the grounds that if planning consent is granted and the subsequent Environmental Health complaints are made this has the potential to severely impact on the ability to successfully operate the organic farming business at Plestowes Farm.
- Expert advice submitted by the farmer sets out various reasons why the applications should be refused, with specific reference to noise, odour and dust.
- As part of the organic expansion of the farm there is a greater requirement for grassland compared to other arable use and as such moving an organic suckler herd into the cattle buildings is a very real possibility within a relatively short timeframe. The farmer retains the right to keep livestock in these buildings and adjoining yard at any time and this is a very real possibility which should be attributed great weight in the planning balance.
- The applicant states that no complaints have currently been received from the previous occupiers of the offices within the barns, but the adjoining farmer notes that there are some very distinct and important differences in the expectations of office occupiers and residential building occupiers and their requirements.
- No viability assessment has been provided to demonstrate that the offices are not viable.
- The location is unsustainable and contrary to paragraph 55 of the NPPF.

**ASSESSMENT**

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

- The principle of development;
- Design;
- Amenity;
- Renewable energy;
- Ecology;
- Health and Wellbeing;
- Other matters.

**The Principle of the Development**

The applicant has previously identified that the building is not economically viable as an office, primarily as there is inconsistent broadband access at the site, and has satisfied criteria (b) such that the proposed development would accord with Local Plan Policy SC2, which seeks to protect employment land and buildings.

The conversion would partially accord with the aims and objectives of Local Plan Policy RAP7 and the aims and objectives of the NPPF 2012 in that the building is of substantial and permanent construction, the use can be accommodated without extensive rebuilding or alteration to the external appearance of the building and will retain/respect the special qualities/features of the traditional rural building. As the building has already been converted to an office use minimal alterations are required. The conversion is considered to fail to accord to Policy RAP7 (b) in that the building's situation does not make it suitable for re-use as a residential property and (f) the proposed use could give rise to legitimate planning objections.

In terms of sustainability Section 55 of the NPPF 2012 seeks to promote sustainable development in rural areas and states that LPA's should avoid new isolated homes. Given the existing office use of the building and the fact that the proposed dwellings will be located within a small cluster of several dwellings no issues are raised relating to the sustainability of the proposed use in this particular case relative to the existing/permitted use.

### **Design/amenity**

The building has already been converted to an office and will therefore require minimal changes to convert to a dwellinghouse. The scheme is not therefore considered to harm the original character of the building or the visual amenity of the cluster of (former) farm buildings.

The buildings are largely screened from the public highway to the north. The proposed curtilage is modest in scale and, as with any conversion of a traditional farm building, it will be reasonable and necessary to remove permitted development rights to ensure that no further development takes place that would erode the agricultural character of the former barn buildings or the character of the rural area.

### **Amenity**

The proposed change of use will not result in any significant impact upon the amenities of surrounding occupiers in terms of outlook, privacy or disturbance compared to the existing office use. The amenities of the future occupiers of the Long Barn must also be considered and the concerns raised by the adjoining working farm have been carefully noted.

The Environmental Health Officer (EHO) has visited the application site and adjoining farm and assessed the individual reports submitted by the applicant and adjoining neighbour, who is objecting to the scheme. The EHO considers that residential occupiers are likely to suffer noise and odour from the adjacent farm yard at a level that would have a significantly adverse effect upon amenity. It is the EHO's view that this effect would be apparent even should the farmer follow best practicable means to control noise and odour from the farm yard activity. Suitable mitigation measures cannot be incorporated within the development without adversely affecting residential amenity. The Long Barn is situated on the boundary with the farm yard and the south and eastern walls



project into the cattle yard and form part of the boundary. There is a first floor window facing the cattle yard and windows and garden to the north facing the Dutch barn. The EHO has identified the following key concerns:

### Noise

Noise sources include grain dryers, livestock and farmyard machinery. There is one external grain dryer and one internal grain dryer that can operate all year round. The EHO considers that the noise from the external grain dryer, when in use, has the potential to produce a level of noise that would significantly affect the amenity of the residents of Long Barn.

Although the cattle barn and cattle yard do not currently house livestock the EHO notes that there is no constraint on the farmer doing so, which would produce a level of noise that would significantly adversely affect the amenity of residents of Long Barn.

The applicant has suggested mitigation measures in terms of mechanical ventilation, suitable glazing and acoustic fencing, however the EHO does not consider these solutions to overcome the concerns raised.

### Odour

The cattle barn and cattle yard may be used for cattle and the objector has produced an odour report that indicates that the predicted odour concentration at Long Barn would have a substantially adverse effect on residents amenity. Whilst the EHO has some concerns about the report and does not consider that odour concentrations would be as high as projected he agrees that it would be at a level that would cause nuisance. The EHO considers that this could not be adequately mitigated using ventilation systems and would have concerns that the air drawn into Long Barn is likely to be tainted by the odour of cattle/livestock and associated activities and waste due to the close proximity.

### Dust

The EHO does not consider that dust and debris from the farm would adversely affect amenity to any significant degree.

Based on the EHO's detailed consideration of the scheme officers consider that the given the building's proximity to the adjoining working farm its proposed change of use to residential would result in a significant adverse impact upon the amenities of the future occupiers of Long Barn and would be contrary to Policies DP2 and elements of RAP7 of the Warwick District Local Plan 1996-2011.

## **Renewable Energy**

The scheme will require the provision of either renewable technology to meet 10% of the predicted energy requirements for the dwellinghouse or through improved insulation to reduce the energy demand of the property. This can be secured through condition.

## **Ecology**

The building has already been converted and the change to a residential use requires minimal external changes. The scheme is not therefore considered to result in any significant impact upon protected species.

## **Health and wellbeing**

The application is not considered to raise any health and wellbeing issues.

## **Other matters**

The scheme will use an existing and established access and there will be ample parking within the site with three allocated parking spaces that can be retained by condition. The Highway Authority have raised no objection to the scheme.

No drainage issues are raised, given that the building already exists.

There is no public open space within the locality and no contributions are therefore sought.

## **Summary/Conclusion**

In the opinion of the Local Planning Authority, the development will have an adverse impact upon the amenities of the future occupiers of the proposed residential property by reason of noise and odour from the adjoining working farm contrary to Policies DP2 and RAP7 of the Warwick District Local Plan 1996-2011. It is therefore recommended that planning permission is refused.

## **REFUSAL REASONS**

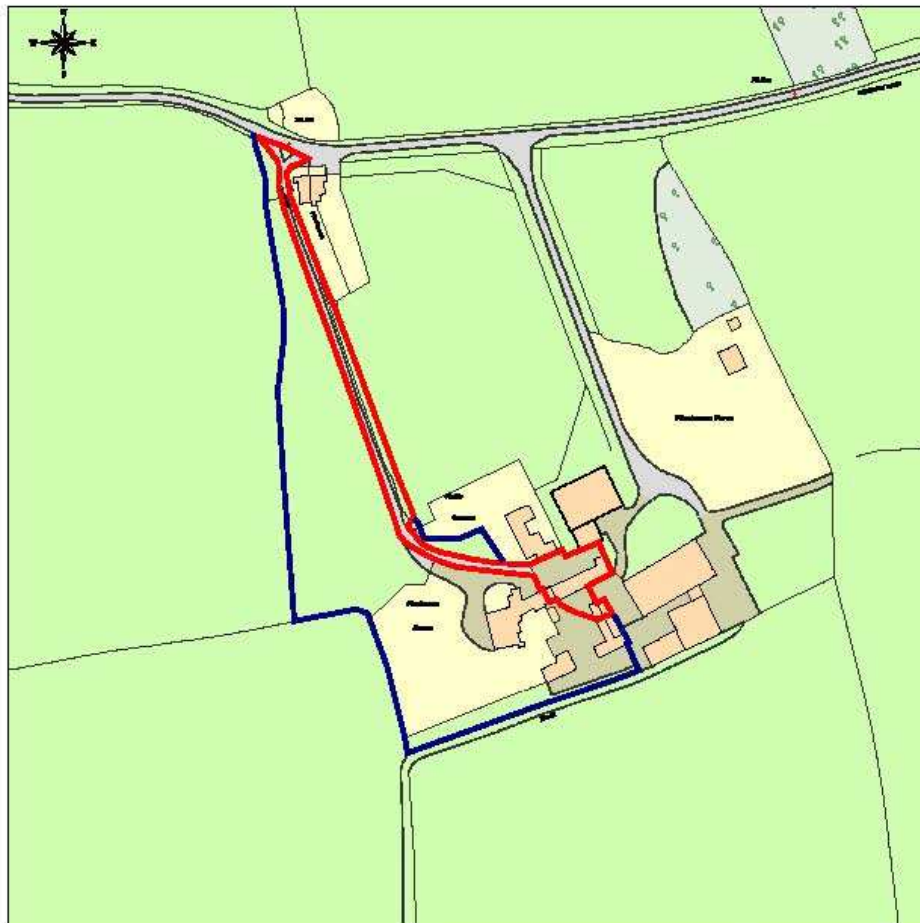
Policy DP2 of the Warwick District Local Plan 1996-2011 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. Policy RAP7 seeks to ensure that the re-use of rural buildings are situated in locations that make their re-use suitable and do not give rise to legitimate planning objections.

The proposed development will be located in close proximity to a working farm and future occupiers of the proposed development are therefore likely to suffer noise and odour issues that cannot be otherwise mitigated by condition.

The proposal is thereby considered to be unneighbourly and contrary to the aforementioned policy.

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## Site Plan of CV35 8DD



This Plan includes the following Licensed Data: OS MasterMap Colour PDF Site Plan by the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date of production. Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey. This representation of a road, track or path is no evidence of a right of way. The representation of features, or lines is no evidence of a property boundary. © Crown copyright and database rights, 2014. Ordnance Survey 0100021673

0m 20m 40m 60m 80m 100m 120m 140m 160m 180m 200m

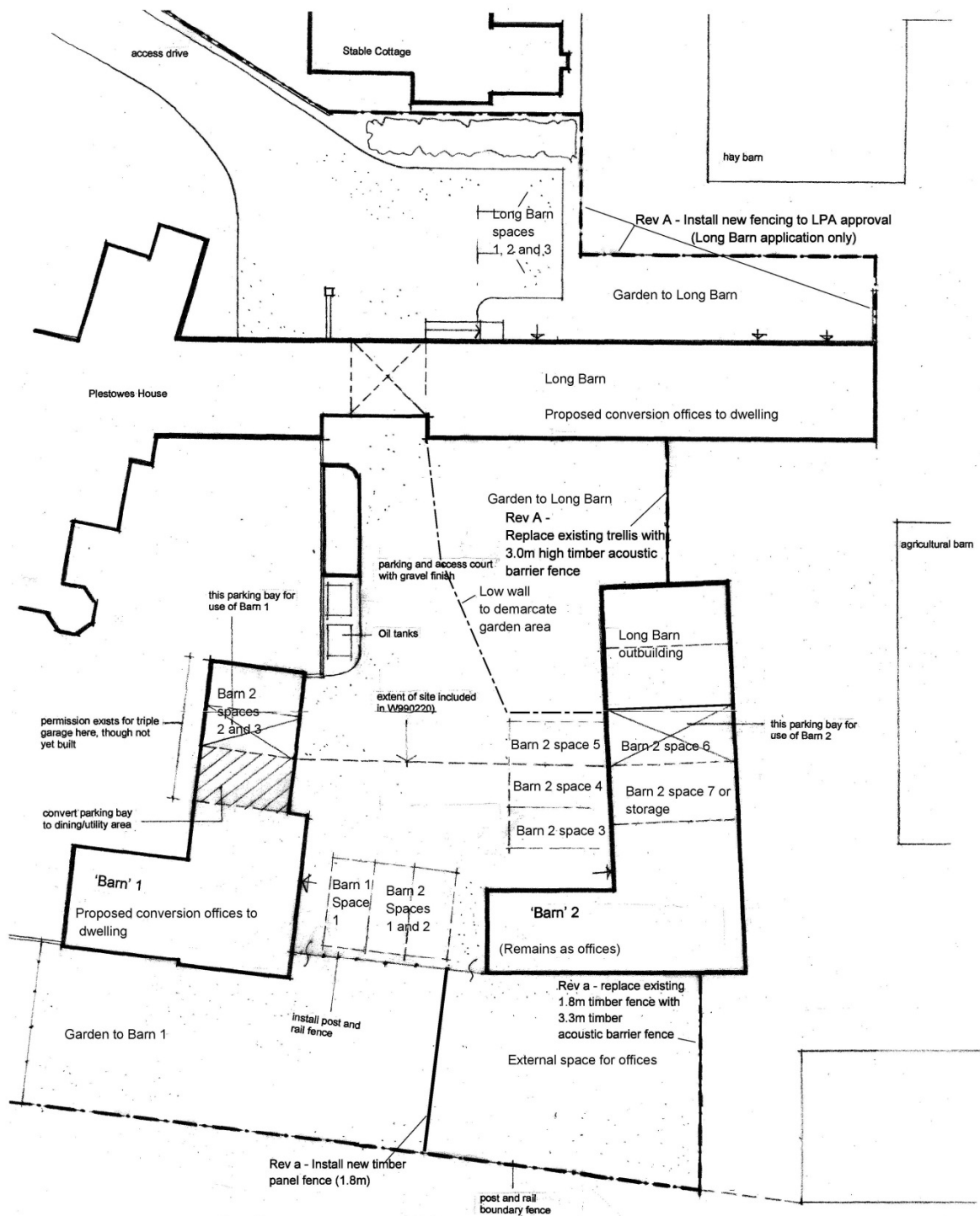
Scale: 1:2500, paper size: A4

Location plan

Long Barn, Pleatowes House, Haraway Lane, Barford CV35 8DD

**plans ahead** by emapsite™

Prepared by: Les Greenwood, 18-06-2014



Change of use of Barn 1 and Long Barn from offices to dwellings  
Plestowes Barns, Barford, for Mr and Mrs Murdoch

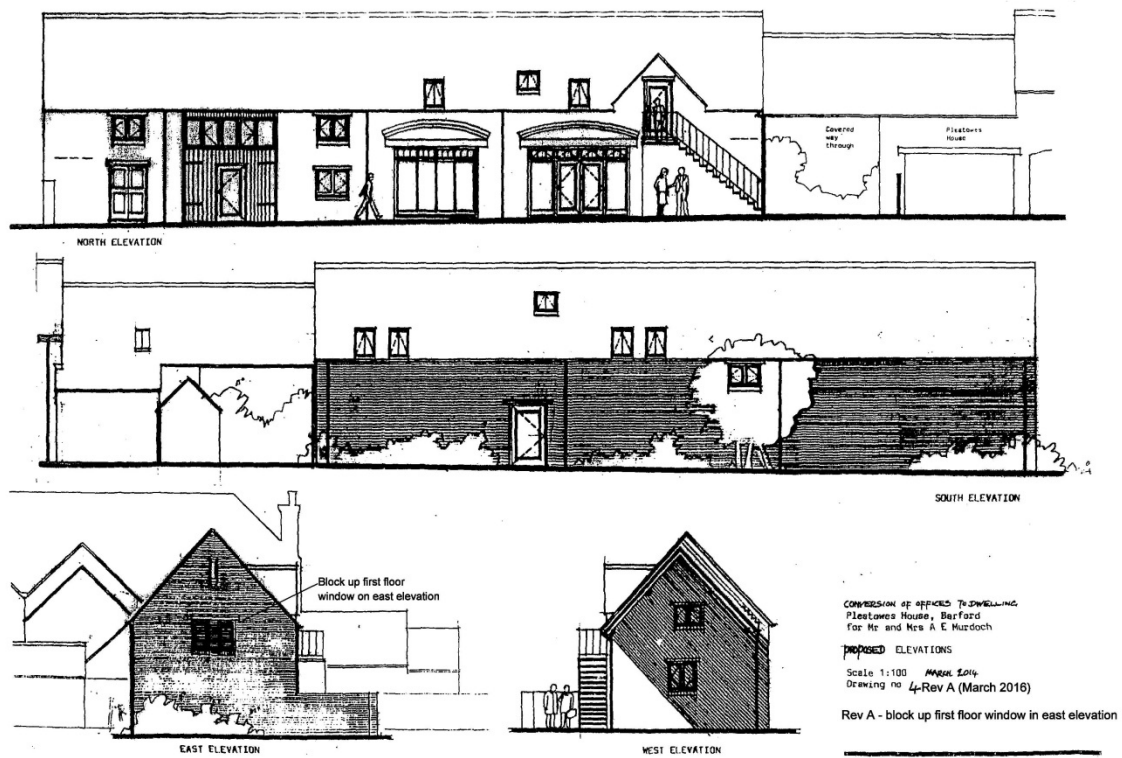
**Proposed site plan**

Scale 1:200 @A3

Drawing no. 413/3 Rev A

April 2014 (Revised March 2016)





**Planning Committee:** 25 April 2016

**Item Number:** **7**

**Application No:** [W 15 / 1761](#)

**Town/Parish Council:** Radford Semele

**Case Officer:** Liam D'Onofrio

01926 456527 liam.donofrio@warwickdc.gov.uk

**Registration Date:** 18/02/16

**Expiry Date:** 19/05/16

**Land On The West Side Of, Southam Road, Radford Semele, Leamington Spa**

Residential development of up to 25 no. dwellings. Means of access from Southam Road to be determined, with all other matters (internal access, appearance, landscaping, layout and scale) reserved for subsequent approval.  
FOR Rosconn Group

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

**RECOMMENDATION**

Planning Committee are recommended to GRANT outline planning permission, subject to the conditions listed and subject to the completion of a satisfactory Section 106 Agreement to secure the contributions listed. Should a satisfactory Section 106 Agreement not have been completed by 19th May 2016 Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

**DETAILS OF THE DEVELOPMENT**

Outline planning permission is sought for a residential development of up to 25 No. dwellinghouses with all matters reserved except for access. The access will be located off the western side of the highway.

The application is supported by extensive documentation. This includes a Planning Statement, Design & Access Statement, Landscape & Visual Appraisal, Tree Survey, Transport Assessment (TA), Noise Survey, Archaeological Survey and Ecological Survey.

The Design and Access Statement states that the purpose of the illustrative layout design is to provide a template for the detailed design stage of a reserved matters applications and an indication of densities across the site. Key situations where buildings may be used to close a vista, act as a gateway into the site or turn a corner etc. are also indicated on the illustrative layout design.

The outline application is for up to 25 new homes, Therefore the approximate density for development is 28 homes per hectare. This density is relatively low

for urban areas but more typical for village locations. The proposed layout comprises a mix of terraced, semi-detached and detached properties and has been developed to reflect the character of the existing area. The proposed buildings will be 2 storeys in height and reflect similar footprints, style and vernacular of the existing properties within Radford Semele to ensure that the bulk and scale of the built form is appropriate within the settlement edge setting.

The development of the site for new homes would require the loss of 0.9ha of arable land. There would also be a requirement to clear a small length of species-poor hedgerow on the eastern boundary of the site (less than 10 metres) to allow access from the A425. All other hedgerows and trees would be retained. It is proposed that approximately 175 metres of new hedgerow would be established along the southern and western boundaries of the application site.

This Design and Access Statement demonstrates how the proposal is based upon a thoughtful design process informed by site assessment and analysis of opportunities and constraints. The proposal aims to maximise the positive aspects of the site's location, fully integrating and actively enhancing the character and appearance of the site's surroundings. The proposed dwelling will be a high quality of form, materials and craftsmanship. The proposals can be accommodated without detriment to the localised landscape and can be integrated into the existing visual environment without harming the character and quality of the area. In summary, it is suggested that the proposal is well designed and represents a sustainable residential development that will create an attractive and safe living environment.

In relation to the Policy DAP2 and the Area of Restraint the applicant notes that for viewers to the west, in Sydenham, there would be little opportunity to view the proposed development and there would therefore be no perception of coalescence between Leamington and Radford Semele in this location. In relation to the potential perception of coalescence to the north, there is already a strong sense of arriving in Radford Semele around 250 metres to the north west of the application site: it is at this point that, having passed through a rural area with vegetation on both sides of the road, travellers first see the Radford Semele signs, combined with a reduction in the speed limit. Soon thereafter, having crossed the Grand Union Canal, there are clear views of the built development within the village in the form of Ricardo.

## **THE SITE AND ITS LOCATION**

The application site relates to an arable field of approximately 0.9 hectares located on the western side of the highway. The site sits outside of but adjacent to the village envelope and is located between residential development and the Ricardo industrial buildings to the north. The site is within open countryside and is identified as an area of restraint (Local Plan Policy DAP2).

## **PLANNING HISTORY**

None.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)



- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

#### Guidance Documents

- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- Warwickshire Landscape Guidelines SPG
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)

### **SUMMARY OF REPRESENTATIONS**

**Councillor Doody:** Objection. If we consider this application on the New Local Plan then it would fail because it is outside the village envelope. Both the Area of Restraint and the village envelope were set by Warwick District Council's Planning Department for very good reasons, to protect expansion of Royal Leamington Spa and stop the village itself from filling the very important gap between the two settlements.

The Southam Road is a major thoroughfare to Kenilworth, Leamington, Warwick, and onto Stratford upon Avon. Traffic flows are considerable through the village at peak times and not inconsequential at other times.

**Councillor Brian Fryer:** The location of this development will adversely affect the character of the village finally linking it to Sydenham and the greater conurbation of Leamington Spa. There are already many other development plans to the east and south of the village which are resulting in a much higher impact on this village compared to others in the district. Restraint from developing on this site would at least give the village some opportunity of retaining its identity which is part of the appeal for people wanting to live here.

The density of side feeder roads on to the A425 is already high, with increasing volumes of traffic from other developments, the sighting of a road outlet here, for traffic eastbound is partially obscured and would be a significant traffic hazard.

**Inland Waterways:** No objection.

**Canal & River Trust:** No objection.

**WCC Public Rights of Way:** No objection.

**WCC Local Flood Authority:** No objection, subject to conditions.

**WCC Landscape:** No objection.

**WCC Education:** A contribution of £70,122 has been requested for primary education, with secondary education contributions to be confirmed. members will be updated at the meeting.

**WCC Highways:** No objection subject to conditions.

**WDC EHO:** Noise survey requested. No objection raised following submission of noise survey, subject to conditions.

**WCC Archaeology:** No objection, following pre-determinative archaeological works, subject to conditions.

**Natural England:** No comment.

**Fire & Rescue Service:** No objection, subject to fire hydrants condition.

**Historic England:** No comment.

**Severn Trent Water:** No objection, subject to condition.

**Warwickshire Police:** No objection, subject to condition.

**Public response:**

19 objections raising the following concerns:

- Two developments already approved in Radford Semele.
- Encroaches on gap protected by Area of Restraint, Policy DAP2.
- Pressure of infrastructure/resources/services.
- Density of development, out of character.
- Ricardo security, privacy concerns, 24hr working patterns, lights/emissions from busy manufacturing operation.
- Road safety, another access on very busy road, traffic generation, pedestrian safety.
- Impact upon rural landscape.
- Development will link Radford Semele with Leamington Spa.

One comment that no access will be allowed to construction vehicles/future residents on the private drive to the south of the application site.

**ASSESSMENT**

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

- Principle of the development;
- The Impact on Local Services and Infrastructure;
- The Impact on character of the area, Landscape and Heritage Assets;

- Provision of public open space;
- The impact on the living conditions of nearby dwellings;
- Car parking and highway safety;
- Air Quality;
- Drainage and Flood Risk;
- Renewable Energy;
- Health and Wellbeing;
- Ecological Impact;
- Loss of Agricultural Land.

## **The Principle of the Development**

### Five Year Housing Supply

The site is within open countryside adjoining the edge of the village, where the relevant Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. The proposals would be contrary to Policy RAP1. However, the National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement.

Whilst significant steps have been made towards meeting a five year housing land supply an analysis of all current information indicates that the District Council are not able to demonstrate a five year supply of deliverable housing sites. As from 31/03/16 the number of years supply has been calculated at 4.69 years.

Accordingly Policy RAP1 is to be considered out-of-date and in these circumstances the NPPF paragraph 14 requires applications to be considered in the context of the presumption in favour of sustainable development. That means granting planning permission unless either:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- specific policies in the NPPF indicate development should be restricted.

The scheme will contribute towards helping the Council meet its five year requirement and granting outline permission for this site would increase the supply of land for housing. This carries significant weight in the assessment of this application. While the Council has no control over whether a site will be delivered, it is nevertheless reasonable to assume that a site with planning permission would be deliverable with a realistic prospect that development on this site would be achievable within a five year period.

### The Current Policy Position

The current Local Plan covered the period 1996-2011 and therefore makes no provision for future housing needs. This forms the Development Plan, which

decisions should be made in accordance with, unless material considerations indicate otherwise. The NPPF is a material consideration, as are other policies under preparation such as the emerging Local Plan. Emerging Local Plan Policy H1 - 'Directing New Housing' indicates Radford Semele as a growth village. Although the site falls outside of the village envelope, identified on Local Plan Policies Map No.15 it is clearly within a sustainable location and would represent sustainable development. There are no specific policies in the NPPF to indicate that development on this site should be restricted.

### Prematurity

The scale of the development does not raise issues of prematurity in relation to the progress of the publication of the Draft Local Plan, due to its size. The development of the application site would not prevent any other development sites identified in the Draft Local Plan from coming forward and it is not dependant on, nor incompatible with, any other development sites which have been or are being considered. On this basis the development of the application site would not prejudice the outcomes of the preparation of the Local Plan and it could not therefore be demonstrated that permission should be refused on the grounds of prematurity.

### Assessment of the Proposed Housing Provision

In terms of the type of housing being provided, 40% would be affordable, secured via a Section 106 Legal Agreement, and the affordable mix would be required to accord with the affordable housing needs of the District. The size and type of the affordable dwellings would be subject to further consideration under a reserved matters application, which would have to meet current requirements at that time.

In terms of the market housing being provided, this would also be subject to consideration under a reserved matters application, and would be required to accord with the Development Management Guidance on Achieving a Mix of Market Housing, which can be secured by condition.

### **The Impact on Local Services and Infrastructure**

The development would trigger the need for the following contributions to be secured under a Section 106 Legal Agreement. The heads of terms are as follows:

- Affordable Housing at 40%, which will relate to 10 affordable dwellings.
- A contribution of £75 per dwelling for sustainable welcome packs to promote sustainable living and to deliver road safety education in the area, equating to a total of £1,875.00.
- A contribution of £37,680 to be spent on enhancements to open spaces within 500m (10 minute walk) of the development, or toward the development of the district's destination parks. Both Newbold Comyn and Welches Meadow fall within this area.
- An Education contribution of £70,122 has been requested. WCC Education Authority advise that Radford Semele Primary School is currently close to

capacity and with other planning applications already having received planning permission locally the school is forecast to fill and remain full for the foreseeable future. The school is on a constrained site and the opportunity for meaningful expansion to support the provision of additional school places is limited. As a result it is possible that additional school places will have to be provided elsewhere than in the village and the contribution requested will be utilised to fund the cost of the associated home to school transport. A contribution request for secondary/post 16 education is currently awaited and members will be updated at the Committee on this matter.

- Securing contributions for biodiversity offsetting, should WCC Ecology consider that the landscaping scheme (to be assessed at reserved matters stage) results in a net bio-diversity loss.

### **The Impact on character of the area, Landscape and Heritage Assets**

The site is not within Green Belt but does fall within an Area of Restraint. Local Plan Policy DAP2 states that development will not be permitted within Areas of restraint where it would harm or threaten the generally open nature of the area. Although this open area is largely infilled by the Ricardo site just south of Southam Road it provides a clear gap between the western edge of Radford Semele and the eastern edge of Leamington Spa to the south of the Ricardo site. The proposed development of the application site will not reduce this gap further as the proposed development does not project further west than the existing edge of the village.

The County Landscape Officer has commented that within the Warwick District Council Landscape Sensitivity and Ecological & Geological Study (November 2013) the application site sits within a zone that has a sensitivity to housing rating of "high-medium". The study goes on to state that "If development was to take place within this zone it is recommended that this does not extend beyond the edge of the existing housing". The County Landscape Officer considers that the proposal complies with that recommendation and raises no objection to the scheme.

Local Plan Policy DAP4 states that development will not be permitted that will adversely affect the setting of a listed building. Grade II listed Radford Hall, which included listed boundary walls fronting Southam Road is located opposite the application site. The Southam Road separates the application site from the listed building and the proposed scheme will sit adjacent to existing housing development and will be viewed in this context. It is not considered that the development will adversely affect the setting of the listed building.

The scale, design and use of materials will be secured at reserved matters stage to ensure the development assimilates appropriately within the landscape. Given the context of the site it is considered reasonable to restrict development to two-storey only, which can be secured by condition.

The County Archaeologist has requested a pre-determinative archaeological desk top survey as the proposed development lies within an area of significant archaeological potential. Domesday indicates a thriving medieval settlement at

Radford Semele in the 11<sup>th</sup> century. Whilst largely rebuilt in the 19<sup>th</sup> and 21<sup>st</sup> centuries, the Church of St. Nicholas was founded in the early 12<sup>th</sup> century.

The desk-based assessment has been provided and has considered that there is a potential for the site to contain redeposited Palaeolithic artefacts as well as evidence for later prehistoric and Romano British activity; the nature and importance of such evidence, if present, should be considered to be unknown. The site also lies less than 200m to the west of the Church of St Nicholas which may have formed a settlement focus for the early development of Radford Semele; it is possible that the current village could represent a later development since it was not uncommon during the later medieval period for settlements to be deliberately relocated away from manor sites. In addition the proposed development lies adjacent to the Southam Road and it may be that structures could have fronted onto the road. The County Archaeologist notes that the submitted survey did not identify any clearly defined geophysical anomalies across the site, however the County Archaeologist considers that there remains a potential for archaeological deposits and features to survive across the site. The County Archaeologist has therefore raised no objection to the proposed scheme, subject to a condition to secure further archaeological work on site.

### **Provision of public open space**

The scheme makes no provision for public open space, however the Green Space Manager considers that given the small size of the development, and the proximity of other open space, this is considered acceptable. The additional residents brought into the area by this application will place more pressure upon existing open space, both in the locality and the wider district in relation to destination parks and a contribution is therefore required in order to mitigate the impact of this additional use. A contribution of £37,680 has therefore been requested to be spent on enhancements to open spaces within 500m (10 minute walk) of the development, or toward the development of the district's destination parks. Both Newbold Comyn and Welches Meadow fall within this area.

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

The plans are indicative only, however, it is considered that the proposed site can accommodate 25 houses whilst meeting necessary separation distances within the site and to surrounding properties. The residential use will be compatible with the adjoining residential uses, and associated noise and comings and goings are unlikely to be so significant as to warrant refusal of the application.

A reserved matters application would provide details of the final layout of proposed dwellings, under which it would be possible to ensure an appropriate level of privacy, light and outlook is maintained to these neighbouring properties. A condition is recommended to require the submission of a Construction Management Plan, to protect the amenities of residents during construction.

EHO asked for noise survey future occupiers of site from noise associated with the Ricardo industrial site to the north. The EHO is satisfied with the survey and

has raised no objection in this respect. A standard land contamination condition is also suggested.

### **Car Parking and Highway Safety**

The Highway Authority have raised no objection to the scheme, subject to conditions. Based on the supporting Transport Assessment and the Highway Authority's own trip generation analysis it is considered that it is unlikely that the number of vehicle trips generated by the development will have a detrimental impact upon safety or operation of the local highway network.

In terms of the proposed access, the Highway Authority have assessed the visibility spays and are content that these are acceptable. The access layout is wide enough to allow two vehicles to pass each other within the access and a refuse vehicle is able to manoeuvre into/out of the access, without crossing onto the opposing lane of the carriageway.

### **Air Quality**

The Environmental Health Officer (EHO) raises no issues in terms of air pollution. The Council's Low Emission Strategy guidance establishes the principle of Warwick District as an 'Emission Reduction Area' and requires developers to use 'reasonable endeavours' to minimise emissions and, where necessary, offset the impact of development on the environment. The developer is required to provide electric vehicle (EV) recharging provision for each house with dedicated parking and/or other innovative ideas. This information will be secured by condition.

### **Drainage and Flood Risk**

WCC Flood Risk Management have raised no objection to the proposed development, subject to conditions to secure sustainable urban drainage with the aim to provide suitable disposal of surface water runoff for the site without causing flooding nuisance within and downstream of site.

Severn Trent Water have raised no objection to the scheme, subject to a condition to agree drainage details.

### **Renewable Energy**

The scheme will require the provision of either renewable technology to meet 10% of the predicted energy requirements for the dwellinghouse or a fabric first construction to reduce the energy demand of the property. This can be secured through condition.

### **Ecological Impact**

Following the submission of further Ecological information the County Ecologist has raised no objection to the scheme subject to the imposition of conditions, including a Construction and Environmental Management Plan (CEMP),

Landscape and Environmental Management Plan (LEMP), lighting scheme and a condition for protective fencing to protect trees and hedges during construction.

The County Ecologist notes that the Biodiversity Impact Assessment calculation results to a loss of biodiversity (-2.67 biodiversity units) which is contrary to National Planning Policy Framework (NPPF). If a biodiversity loss is predicted on site then this should be compensated appropriately. The County Ecologist considers that any loss could be compensated for on-site subject to appropriate habitat creation and management proposals. If this is not feasible then the loss should be offset via a S106 agreement. The Ecologist therefore recommends a condition to secure a scheme for the offsetting of biodiversity impacts on the site.

### **Health and Wellbeing**

There are no health and well-being issues considered to be raised by this development.

Warwickshire Police have no objections to this proposed development, however they have requested that a secured by design condition be applied to assist in ensuring that the future occupants do not become victims of crime or anti social behaviour.

### **Loss of Agricultural Land**

The agricultural land classification for the site is mixed with the southern part of the application site falling within Grade 2 - very good and the northern part of the site falling within Grade 4 - poor, roughly a 50-50 split across the site.

Paragraph 112 of the NPPF states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Paragraph 112 goes on to state that, where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

Looking first at whether development of agricultural land is necessary, this is demonstrated by the pressing need for housing in the District and the lack of a 5 year supply of housing land. Officers also note that much of the land in the District is high quality so it is inevitable that some will be lost to housing development. It is concluded that the need to provide new homes in a sustainable location overrides any concerns regarding the loss of this agricultural land, which is of mixed value.

### **SUMMARY/CONCLUSION**

Due to the Council's lack of a five year supply of housing land, Local Plan Policy RAP1 is out of date. Therefore the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states, at paragraph 14, that where the development plan policies are out of date,



permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

There are three dimensions to sustainable development: economic, social and environmental. The development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs, the provision of open space and footpaths, and improvements to shared infrastructure. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, and enhancement to existing open spaces. The site is in a sustainable location adjacent to the village where residents can access a range of services. It is therefore concluded that the development represents sustainable development by satisfying the three dimensions identified in the NPPF.

It has been concluded that any issues of concern that have been raised can be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities, and the provision of new infrastructure by way of financial contributions. The development would have some impact on the surrounding landscape in terms of the loss of openness and rural character, however, these impacts need to be balanced against the wider benefits of the development listed above.

In the particular circumstances of this application, it is not considered that the impacts on the landscape in terms of the area of restraint and the rural area significantly and demonstrably outweigh the benefits of the development. The development is considered to comply with all current Local Plan policies aside from RAP1, which the NPPF advises cannot carry any weight. Furthermore the development is considered to comply with the policies of the NPPF, taken as a whole. The presumption in favour of sustainable development carries substantial weight, as does the contribution the development would make to the provision of housing to meet the needs of the District.

It is therefore concluded that planning permission should be granted.

### **CONDITIONS**

- 1 Details of the means of access to the building(s) and site, appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved. **REASON:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later.  
**REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 The access hereby permitted shall be constructed strictly in accordance with the details shown on the site location plan and approved drawing(s) DWG-01, DWG-02, and specification contained therein, submitted on 23/10/15. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.  
**REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 6 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.  
**REASON:** In the interests of fire safety.
- 7 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.

- 8 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter.  
**REASON:** To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan.
- 9 Prior to the commencement of development a scheme for the offsetting of biodiversity impacts at the site shall be submitted to the Local Planning Authority. The offsetting scheme shall include:
1. The identification of receptor site(s);
  2. Details of the offset requirements of the development in accordance with the recognised offsetting metrics standard;
  3. The provision of contractual terms to secure the delivery of the offsetting measures; and
  4. A management and monitoring plan (to include for the provision and maintenance of such offsetting measures for not less than 25 years from the date of this permission). The development shall not commence until the Local Planning Authority has approved the scheme in writing. The applicant shall secure and implement such offsetting measures in accordance with the requirements of the approved scheme. **Reason:** To ensure no net loss of biodiversity in accordance with NPPF paragraph 118.
- 10 The development hereby permitted shall not commence until a Construction and Environmental Management Plan (in accordance with the British Standard on Biodiversity BS 42020:2013) has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- 11 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands; woodland creation/enhancement, provision of

habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF.

- 12 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 13 No development shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority. In discharging this condition the District Planning Authority expects lighting to be restricted around the boundary edges, along hedgerows, around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
- a. low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps;
  - b. the brightness of lights should be as low as legally possible;
  - c. lighting should be timed to provide some dark periods;
  - d. connections to areas important for foraging should contain unlit stretches.
- The agreed scheme to be fully implemented before/during development of the site as appropriate. **Reason:** To ensure appropriate measures are taken in relation to protected species in accordance with Policy DAP3 of the Warwick district local Plan 1996-2011 and the aims and objectives of the NPPF.
- 14 No development shall take place until:
- a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the LPA.
  - b) The programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority.

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

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.

- 15 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- 1) Undertaken infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is a viable means of managing the surface water runoff from the site.
- 2) Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697, C687 and the National SuDS Standards.
- 3) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site.
- 4) Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in *Science Report SC030219 Rainfall Management for Developments*.
- 5) Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- 6) Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in

accordance with Policies DP3 & DP11 of the Warwick District Local Plan 1996-2011.

- 16 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **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 DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.
- 17 The development shall not be occupied unless and until turning areas have been provided and visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 54 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. The gradient of the access for vehicles to the site shall not be steeper than 1 in 12 for a distance of at least 7.5 metres, as measured from the near edge of the public highway carriageway and the access shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON:** To ensure that a satisfactory access and turning facilities are provided and maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.
- 18 The development hereby permitted shall not commence until: -  
(1) (a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. 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; and
- the development of a method statement detailing the remediation requirements.

(b) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.

(c) 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 and shall be approved in writing by the local planning authority prior to the remediation being carried out on the site.

(2) All development of the site shall accord with the approved method statement.

(3) If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be deal with.

(4) Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. **REASON:** To safeguard health, safety and the environment in accordance with Policies DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011.

- 19 No development shall take place unless and until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.
- 20 The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites". **REASON:** To ensure that the housing meets the needs of the District as required by Local Plan Policy SC1 and the NPPF.

- 21 Any landscaping (other than the planting of trees and shrubs) approved under condition 1, including boundary treatment, paving and footpaths, shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be 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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 22 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 without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, 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 with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. 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 DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 23 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.



- 24 The building heights of dwellinghouse submitted under the reserved matters stage shall not exceed two-storey. **REASON** : To secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
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**Application No:** [W 16 / 0196](#)

**Town/Parish Council:** Radford Semele  
**Case Officer:** Liam D'Onofrio

**Registration Date:** 02/02/16  
**Expiry Date:** 03/05/16

01926 456527 [liam.donofrio@warwickdc.gov.uk](mailto:liam.donofrio@warwickdc.gov.uk)

**Land to the South of Offchurch Lane, Radford Semele, CV31 1TN**

Outline planning application on land south of Offchurch Lane, Radford Semele with means of vehicular access from Southam Road, Radford Semele and pedestrian/cycle/emergency access from Offchurch Lane for consideration, all other matters (layout, appearance, scale and landscaping) reserved for subsequent approval, for the erection of up to 150 dwellings, of which 40% will be affordable, landscaping including change of use, earthworks to facilitate surface water drainage and all other ancillary infrastructure and enabling works  
FOR Sharba Homes Limited and Henry Marriott

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

**RECOMMENDATION**

Planning Committee are recommended to GRANT outline planning permission, subject to the conditions listed and subject to the completion of a satisfactory Section 106 Agreement to secure the contributions listed. Should a satisfactory Section 106 Agreement not have been completed by 3rd May 2016 Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

**DETAILS OF THE DEVELOPMENT**

Outline planning permission is sought for a residential development of up to 150 No. dwellinghouses with all matters reserved except for access. The main vehicular access will be located off the northern side of Southam Road, utilising the approved access point for a development of 60 dwellinghouses granted planning permission under W/15/0297. A secondary pedestrian, cycle and emergency access is located to the southern side of Offchurch Lane.

The application is supported by extensive documentation. This includes a Planning Statement, Design & Access Statement, Landscape & Visual Appraisal, heritage statement, drainage strategy, Tree Survey, agricultural statement, Transport Assessment (TA) and Ecological Survey.

The Design and Access Statement identifies the benefits of the development to include:

- The creation of a new high quality development of up to 150 houses.
- A mix of house types, sizes and tenures including 40% affordable homes with associated parking and landscaping.
- A new piece of townscape continuing from the existing new development to the south and integrating into the Offchurch Lane streetscene whilst also creating a soft edge to the countryside to the east. Provision of a central area of open space acting as a focal point for the development.
- Development frontage along Offchurch Lane will have an appropriate building line set back to respect the existing character of the street. Within the site, the principles established through the consented development to the south will be incorporated into this site.
- An additional area of open space, incorporating a balancing pond will be located in the north eastern corner of the site. This pond will not only attenuate surface water flows in storm conditions, but will also encourage creation of ecological habitats in an attractive landscape feature.

The Design and Access Statement confirms that the average net development density is 28 dwellings per hectare which is considered to reflect the location of the site on the edge of the settlement. The precise housing mix will be determined at the reserved matters stage and will be dependent on the market demand and housing need. However, for the purpose of this application a balanced mix of 2 to 5 bedroom dwellings has been used to construct an illustrative layout.

The supporting Planning statement notes that the test in undertaking the planning balance is to assess whether any adverse impacts significantly and demonstrably outweigh the benefits. In this instance there are benefits ranging from substantial to moderate in scale. Set against these benefits is the singular issue of the low to negligible impact of the change in the landscape. The accompanying Landscape statement is clear that the effect of the proposals will be highly localised to the immediate setting and the effect upon public receptors will be low/negligible. Consequently, the clear planning balance is significantly in favour of the development.

## **THE SITE AND ITS LOCATION**

The application site relates to an arable field of approximately 6.8 hectares located on the northern side of Southam Road (beyond an existing development site) and south of Offchurch Lane. The site sits outside of but adjacent to the village envelope and is located to the eastern edge of the village. The site is within open countryside.

## **PLANNING HISTORY**

No planning history for the application site, however there is relevant history for the adjoining site, which includes the main vehicular access for the proposed development:

W/15/0297 Reserved Matters for the approval of appearance, landscaping, layout and scale for 60 dwellings granted under Outline Application W/14/0322:  
Granted 01/06/15

W/14/0322 Construction of up to 60 market and affordable dwellings, new vehicular access, open space and associated infrastructure (outline application including details of access): Granted 06/06/14

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- Warwickshire Landscape Guidelines SPG
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Affordable Housing (Supplementary Planning Document - January 2008)

### **SUMMARY OF REPRESENTATIONS**

**Radford Semele Parish Council:** Objection - The junction on the Southam Road for this development is totally inadequate for the 65 houses already granted and this development of 150 houses means that 215 houses will be serviced by this very dangerous junction. Flooding at this point of the Southam Road can not be ignored and this development on a very large slope will mean that there would be a significant chance of flooding in Offchurch Lane and the existing houses, even the development with 65 houses must have a means of taking away surface water. The impact to the views of neighbouring houses will be greatly effected. The density of this development is very low and this therefore identifies the traffic problem at the junction with the Southam Road, if the developer thought that the junction was acceptable for 250 plus then he would have asked for this number rather than the 150 houses. Therefore they maintain that even the developer recognises that there is traffic problems or is there another reason for the low density.

**Cllr Doody:** Objection. There would be an unacceptable number of cars coming out onto the Southam Road from 215 Houses (65 on site W/14/0322 & 150 on the site W/16/0196). Cars coming from this amount of houses is unreasonable on an already dangerous road. This site has a very significant slope and could cause flooding in Offchurch Lane. The Emergency access point is very close to the brow of the hill in Offchurch Lane and therefore unacceptable



**Canal and River Trust:** No objection.

**Inland Waterways:** No objection.

**Historic England:** No comment.

**Natural England:** No comments.

**Fire Service:** No objection, subject to hydrants condition.

**WCC Highways:** No objection, subject to conditions and financial contributions.

**WCC Ecology:** No objection subject to conditions and securing financial contributions for bio-diversity off-setting.

**WCC Landscape:** No objection.

**WCC Flood Risk:** No objection, subject to conditions.

**WCC Education:** No objection, subject to financial contribution.

**WCC Archaeology:** No objection, subject to condition.

**WDC Housing Strategy:** No objection, subject to securing 40% affordable housing, (60 affordable dwellings based on the current proposal).

**WDC Green Space Manager:** No objection.

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

**Warwickshire Fire Service:** No objection, subject to condition.

**Warwickshire Police:** No objections, subject to conditions.

**Severn Trent Water:** No objections, subject to condition

**South Warwickshire Foundation Trust:** Contributions requested.

**South Warwickshire Clinical Commissioning Group:** Contributions requested.

**Public response:**

95 objections to the proposed development, raising the following concerns:

- Flooding/drainage.
- Services can't cope - Schools, Medical Services, emergency services.
- Traffic safety on busy road junction, poor visibility.
- No safe pedestrian access.
- Radford Semele has already taken significant housing and can't take further growth.

- Loss of good quality agricultural land.
- Impact upon countryside, landscape, visual amenity on elevated site.
- Impact upon wildlife.
- The site is outside of the village envelope; Character of village will be destroyed.
- WDC now fully meet housing need, paragraph 14 of the NPPF no longer applies.
- Brownfield sites should be used first.
- Impact upon the amenities of existing residents.
- Air pollution concerns.
- Negative impact of additional traffic upon listed buildings.
- Density is too high for the site, not in keeping with existing housing.
- No cycle segregation into Leamington Spa.
- Archaeological impact.
- Impact upon hedgerows/landscaping.

## **ASSESSMENT**

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

- Principle of the development;
- The Impact on Local Services and Infrastructure;
- The Impact on character of the area, Landscape and Heritage Assets;
- Provision of public open space;
- The impact on the living conditions of nearby dwellings;
- Car parking and highway safety;
- Air Quality;
- Drainage and Flood Risk;
- Renewable Energy;
- Health and Wellbeing;
- Ecological Impact;
- Loss of Agricultural Land.

## **The Principle of the Development**

### **Five Year Housing Supply**

The site is within open countryside adjoining the edge of the village, where the relevant Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. The proposals would be contrary to Policy RAP1. However, the National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement.

Whilst significant steps have been made towards meeting a five year housing land supply an analysis of all current information indicates that the District Council are not able to demonstrate a five year supply of deliverable housing sites. As from 31/03/16 the number of years supply has been calculated at 4.69 years.



Accordingly Policy RAP1 is to be considered out-of-date and in these circumstances the NPPF paragraph 14 requires applications to be considered in the context of the presumption in favour of sustainable development. That means granting planning permission unless either:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- specific policies in the NPPF indicate development should be restricted.

The scheme will contribute towards helping the Council meet its five year requirement and granting outline permission for this site would increase the supply of land for housing. This carries significant weight in the assessment of this application. While the Council has no control over whether a site will be delivered, it is nevertheless reasonable to assume that a site with planning permission would be deliverable with a realistic prospect that development on this site would be achievable within a five year period.

#### The Current Policy Position

The current Local Plan covered the period 1996-2011 and therefore makes no provision for future housing needs. This forms the Development Plan, which decisions should be made in accordance with, unless material considerations indicate otherwise. The NPPF is a material consideration, as are other policies under preparation such as the emerging Local Plan. Emerging Local Plan Policy H1 - 'Directing New Housing' indicates Radford Semele as a growth village. Although the site falls outside of the village envelope, identified on Local Plan Policies Map No.15 it is clearly within a sustainable location and would represent sustainable development. There are no specific policies in the NPPF to indicate that development on this site should be restricted.

#### Prematurity

The scale of the development does not raise issues of prematurity in relation to the progress of the publication of the Draft Local Plan, due to its size. The development of the application site would not prevent any other development sites identified in the Draft Local Plan from coming forward and it is not dependant on, nor incompatible with, any other development sites which have been or are being considered. On this basis the development of the application site would not prejudice the outcomes of the preparation of the Local Plan and it could not therefore be demonstrated that permission should be refused on the grounds of prematurity.

#### Assessment of the Proposed Housing Provision

In terms of the type of housing being provided, 40% would be affordable, secured via a Section 106 Legal Agreement, and the affordable mix would be required to accord with the affordable housing needs of the District. The size and type of the affordable dwellings would be subject to further consideration under a

reserved matters application, which would have to meet current requirements at that time.

In terms of the market housing being provided, this would also be subject to consideration under a reserved matters application, and would be required to accord with the Development Management Guidance on Achieving a Mix of Market Housing, which can be secured by condition.

### **The Impact on Local Services and Infrastructure**

The development would trigger the need for the following contributions to be secured under a Section 106 Legal Agreement. The heads of terms are as follows:

- Affordable Housing at 40%, which will relate to 60 affordable dwellings.
- NHS South Warwickshire Clinical Commissioning Group request a contribution of £32,961 to be allocated as part of this application for the improvement and/or extension and/or replacement of Croft Medical Centre, Calder Walk, Leamington Spa.
- South Warwickshire NHS Foundation Trust have requested a contribution of £155,994.78 to provide additional facilities to meet patient demand.
- 1.46ha of open space is being provided within the site and there should be no requirement for contributions, however any deficiencies in any open space type can be met by an off-site contribution, should this be necessary.
- WCC Ecology have confirmed that a biodiversity off-setting scheme can be agreed through a S106 with a financial cap of £141,824.
- WCC Highways have requested the provision of £6,000.00 per marketable dwelling equating to a total sum of £540,000.00 to enable highway improvement works on the A425 Southam Road Corridor in Radford Semele between the A425 Southam Road / Sydenham Drive Junction and A425 Southam Road / B4455 Fosse Way Junction and also the provision of Sustainable Travel Pack at the sum of £75.00 per household equating to a total sum of £11,250.00.
- WCC Education is requesting a total contribution of £1,007,496\*\*, which breaks down to:
  - Primary and pre-school
  - Pre-school £58,435
  - Primary School places £444,106 TBC\*\*
  - Primary Special Educational Needs £13,079
  - \*\*accommodation and/or school transport costs (to be determined)*
  - Secondary and Post 16
  - Secondary places (11 – 16 years) £394,443
  - Post 16 places £78,970
  - Secondary age Special Needs £18,436

### **The Impact on character of the area, Landscape and Heritage Assets**

The scale, design and use of materials will be secured at reserved matters stage to ensure the development assimilates appropriately within the landscape. Given the context of the site it is considered reasonable to restrict development to two-storey only, which can be secured by condition.

The County Landscape Officer has commented that 'Warwick District Council's Landscape Sensitivity and Ecological & Geological Study' (2014) identified the application site as being of medium sensitivity to housing development, noting that "the zone could accommodate a small amount of development along Offchurch Lane or adjacent to the existing settlement edge, providing it didn't encroach beyond the first field in order avoid ribbon development along the A425. The County Landscape Officer considers that this application complies with that guidance and raises no objection to the scheme.

The County Landscape Officer notes that the Landscape & Visual Impact Assessment Report (January 2016) concludes that "The application site is visually contained within views from the north, north east, east, south and west, due to the intervening vegetation structure, topography and built form associated with the wider village setting to the north and west, which substantially limits the visibility of the site to views from the immediate locality of Offchurch Lane and Southam Road". The County Landscape Officer considers that this is not accurate: viewpoint 2, taken from Offchurch Lane indicates that during the winter months the degree of visual containment is diminished by the lack of leaf cover. Moreover, the rising topography will accentuate sense of visual intrusion for residents living opposite the development site along Offchurch Lane. Additional planting is proposed for this boundary which will help to screen the development. The County Landscaping Officer considers that this should be established and protected from the inception of the scheme. This can be secured through landscaping detailing at reserved matters stage.

Local Plan Policy DAP4 states that development will not be permitted that will adversely affect the setting of a listed building. There are no listed buildings adjoining the site and the proposed development is not considered to result in any adverse impact upon the setting of listed buildings within the wider village.

Following the submission of a geophysical survey of the site the County Archaeologist has raised no objection to the scheme, subject to the standard condition to secure a programme of archaeological works.

### **Provision of public open space**

The Green Space manager notes that the Design and Access Statement indicates that additional detail will be provided at the reserved matters stage and will seek details on the make up of the 1.46Ha of open space being provided at this stage. If there are any deficiencies in area by type then an off-site contribution will be sought, which will be secured via the S106 Legal Agreement. These off-site contributions, if necessary, will be used to enhance any current deficiencies in green space owned and managed by the Parish Council or Leam Valley Nature Reserve which is within a 10 minute walk from the proposed site, or for destination parks within the district that will see extra use from new residents of this development.

The Green Space Manager notes that the proposed development abuts the previously granted application and advises that consideration should be given to

how the two developments interact with each other, and with the wider network of countryside and green spaces. This will be considered in greater detail at the reserved matters stage.

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

The plans are indicative only, however, it is considered that the proposed site can accommodate up to 150 houses while meeting necessary separation distances within the site and to surrounding properties. The residential use will be compatible with the adjoining residential uses, and associated noise related to the comings and goings from the site are unlikely to warrant refusal of the application.

A reserved matters application would provide details of the final layout of proposed dwellings, under which it would be possible to ensure an appropriate level of privacy, light and outlook is maintained to these neighbouring properties. A condition is recommended to require the submission of a Construction Management Plan, to protect the amenities of residents during construction.

In terms of noise the Environmental Health Officer (EHO) has no objection but has requested that a noise survey be submitted at reserved matters stage when exact layout is known, to avoid adverse traffic noise to future occupiers. This will be secured by condition.

The applicant has undertaken a preliminary risk assessment of the site and has identified some potential pollutant linkages which require further investigation. As a result the EHO recommends the standard land contamination condition.

### **Car Parking and Highway Safety**

The Highway Authority have raised no objection to the scheme, which will utilise the access previously approved under W/14/0322, subject to conditions.

The Highway Authority have assessed the submitted Transport Assessment in support of the development proposals and consider it to be well structured, providing a clear methodology in accordance with the National Planning Policy Framework and National Planning Practice Guidance.

The Highway Authority has reviewed the document and considered the trip generation for the proposed development. Based on their assessment the Highway Authority have no objection to the methodology used to calculate these or the identified trip rates. The access arrangement modelling demonstrates that the junction will operate a good level of reserve capacity, minimal delay and queuing. The Highway Authority accepts the modelling submitted and recommendation that the access arrangement is acceptable.

In terms of other impacts on the highway network, these have not been considered by the transport consultant. Most notably is the impact on the A425 Southam Road / Offchurch Road Junction. Whilst this junction operates in a satisfactory manner at present, it is likely in future years and with additional

development its operation efficiency will diminish. Therefore in line with other developments in Warwick District the Highway Authority will request the sum of £6,000 per marketable dwelling which will be used to provide highway infrastructure improvements in Radford Semele and on the A425 Southam Road between Sydenham Drive and the B4455 Fosse Way. This will enable the mitigation of the impact that the development will have upon the operation of the highway network within the vicinity of the development site.

### **Air Quality**

The Environmental Health Officer (EHO) raises no issues in terms of air pollution. The EHO notes that the Council's Low Emission Strategy guidance establishes the principle of Warwick District as an 'Emission Reduction Area' and requires developers to use 'reasonable endeavours' to minimise emissions and, where necessary, offset the impact of development on the environment. The EHO notes that under the guidance the above development is classified as a Medium scheme because it meets Department of Transport Threshold Criteria for a Transport Assessment, and as such the developer is required to provide electric vehicle (EV) recharging provision for each house with dedicated parking is expected and/or other innovative ideas. This information will be secured by condition.

### **Drainage and Flood Risk**

WCC Flood Risk Management have raised no objection to the proposed development, subject to conditions to secure sustainable urban drainage with the aim to provide suitable disposal of surface water runoff for the site without causing flooding nuisance within and downstream of site.

Severn Trent Water have raised no objection to the scheme, subject to a condition to agree drainage details.

### **Renewable Energy**

The scheme will require the provision of either renewable technology to meet 10% of the predicted energy requirements for the dwellinghouse or a fabric first construction to reduce the energy demand of the property. This can be secured through condition.

### **Ecological Impact**

The County Ecologist has raised no objection to the scheme subject to the imposition of conditions, including a Construction and Environmental Management Plan (CEMP), Landscape and Environmental Management Plan (LEMP), lighting scheme and a condition for protective fencing to protect trees and hedges during construction.

The County Ecologist notes that the Biodiversity Impact Assessment calculation results to a loss of biodiversity (-4.45 biodiversity units) which is contrary to National Planning Policy Framework (NPPF). If a biodiversity loss is predicted on

site then this should be compensated appropriately. The County Ecologist has confirmed that this loss could be compensated for off-site and can be secured via the S106 Legal Agreement.

### **Health and Wellbeing**

There are no health and well-being issues considered to be raised by this development.

Warwickshire Police have no objections to this proposed development, however they have requested that a secured by design condition be applied to assist in ensuring that the future occupants do not become victims of crime or anti social behaviour.

### **Loss of Agricultural Land**

Paragraph 112 of the NPPF states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Paragraph 112 goes on to state that, where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

The applicant has provided an agricultural land assessment, which identifies the land as falling within Grade 4 and 3b classifications, indicating a low agricultural value. The assessment concludes that the c. 6.80 hectares is poor quality, unproductive land and when considering all the relevant factors relating to the land it is concluded the land's agricultural use is constrained and in the applicant's opinion the loss of the area of field would constitute negligible harm to the agricultural land bank.

Officers consider that the need to provide new homes in a sustainable location overrides any concerns regarding the loss of agricultural land, particularly of lower agricultural value and no issues are raised in this regard.

### **SUMMARY/CONCLUSION**

Due to the Council's lack of a five year supply of housing land, Local Plan Policy RAP1 is out of date. Therefore the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states, at paragraph 14, that where the development plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

There are three dimensions to sustainable development: economic, social and environmental. The development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Social benefits would include the

provision of a mix of types and sizes of market and affordable housing to meet identified local needs, the provision of open space and footpaths, and improvements to shared infrastructure. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, and enhancement to existing open spaces. The site is in a sustainable location adjacent to the village where residents can access a range of services. It is therefore concluded that the development represents sustainable development by satisfying the three dimensions identified in the NPPF.

It has been concluded that any issues of concern that have been raised can be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities, and the provision of new infrastructure by way of financial contributions. The development would have some impact on the surrounding landscape in terms of the loss of openness and rural character, however, these impacts need to be balanced against the wider benefits of the development listed above.

In the particular circumstances of this application, it is not considered that the impacts on the landscape or the rural area significantly and demonstrably outweigh the benefits of the development. The development is considered to comply with all current Local Plan policies aside from RAP1, which the NPPF advises cannot carry any weight. Furthermore the development is considered to comply with the policies of the NPPF, taken as a whole. The presumption in favour of sustainable development carries substantial weight, as does the contribution the development would make to the provision of housing to meet the needs of the District.

It is therefore concluded that planning permission should be granted.

### **CONDITIONS**

- 1 Details of the means of access to the building(s) and site, appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved. **REASON:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended).
- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning

Act 1990 (as amended).

- 4 The access hereby permitted shall be constructed strictly in accordance with the details shown on the site location plan and approved drawing(s) 5824/LP 001 and specification contained therein, submitted on 02/02/16. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.  
**REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 6 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.  
**REASON:** In the interests of fire safety.
- 7 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
- 8 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter.  
**REASON:** To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan.



- 9 Prior to the submission of any Reserved Matters applications for any phase of development:
- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the LPA.
  - b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority.
  - c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the LPA. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.
- The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.
- 10 The development hereby permitted shall not commence until a Construction and Environmental Management Plan (in accordance with the British Standard on Biodiversity BS 42020:2013) has been submitted to and approved in writing by the District Planning Authority. The Construction and Environmental Management Plan should include details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- 11 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands; woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter

be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF.

- 12 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 13 No development shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority. The scheme shall provide for the lighting to be restricted around the boundary edges, along hedgerows, around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
- a. low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps;
  - b. the brightness of lights should be as low as legally possible;
  - c. lighting should be timed to provide some dark periods;
  - d. connections to areas important for foraging should contain unlit stretches.
- The agreed scheme to be fully implemented before/during development of the site as appropriate. **Reason:** To ensure appropriate measures are taken in relation to protected species in accordance with Policy DAP3 of the Warwick district local Plan 1996-2011 and the aims and objectives of the NPPF.
- 14 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- 1) Infiltration testing undertaken in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy

is a viable means of managing the surface water runoff from the site.

2) Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697, C687 and the National SuDS Standards.

3) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site.

4) Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in *Science Report SC030219 Rainfall Management for Developments*.

5) Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements.

Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

6) Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies DP3 & DP11 of the Warwick District Local Plan 1996-2011.

- 15 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: a construction phasing plan; the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; a HGV routing plan; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **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 DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

- 16 No dwelling shall be occupied until the detailed drawings for the layout of the emergency access has been submitted and approved in writing by the Local Planning Authority. Not more than 100 dwellings are to be occupied until the emergency access has been implemented in strict

accordance with the approved details. Thereafter no motorised vehicle access for the development will be obtained from Offchurch Lane, apart from emergency vehicles accessing the development when required to deal with an incident. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

- 17 The development hereby permitted shall not commence until a scheme detailing arrangements to protect residents of the development from excessive road traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road traffic noise shall be submitted to and approved in writing by the local planning authority. The location, internal layout, and orientation of residential dwellings should be designed to situate habitable rooms away from road traffic noise and building structures should be used to provide quiet garden areas where possible. If acceptable noise levels still cannot be achieved by optimising the design of the development then the use of acoustic glazing and acoustic ventilation will be considered as a viable alternative. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To ensure that future occupiers do not experience any unacceptable disturbance from road traffic noise in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 18 The development hereby permitted shall not commence until: -
- (1) (a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. 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; and
  - the development of a method statement detailing the remediation requirements.
- (b) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
- (c) 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 and shall be approved in writing by the local planning authority prior to the remediation being carried out on the site.
- (2) All development of the site shall accord with the approved method statement.

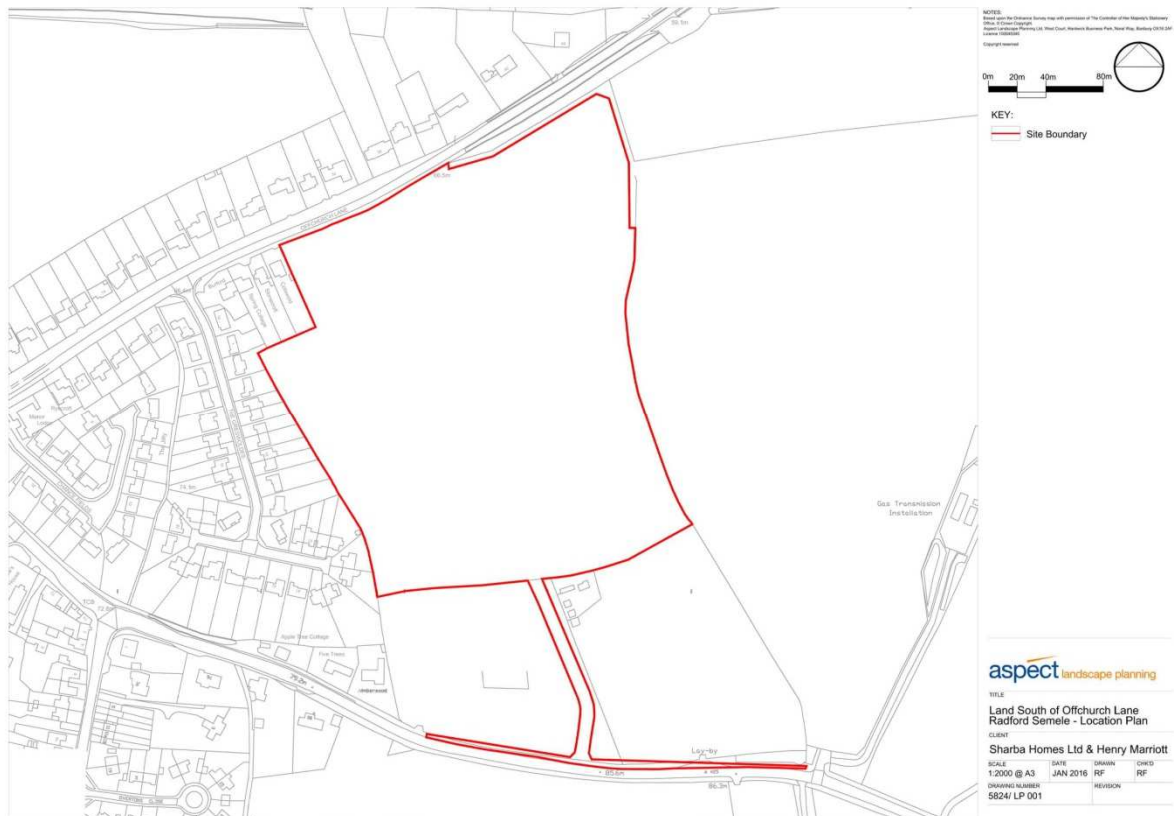
(3) If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.

(4) Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. **REASON:** To safeguard health, safety and the environment in accordance with Policies DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011.

- 19 No development shall take place unless and until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.
- 20 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 21 The building heights of dwellinghouse submitted under the reserved matters stage shall not exceed two-storey. **REASON :** To secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 22 Any landscaping (other than the planting of trees and shrubs) approved under condition 1, including boundary treatment, paving and footpaths, shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use.

Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be 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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

- 23 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 without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, 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 with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. 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 DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 24 The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites". **REASON:** To ensure that the housing meets the needs of the District as required by Local Plan Policy SC1 and the NPPF.
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**Planning Committee:** 25 April 2016

**Item Number:** **9**

**Application No:** [W 16 / 0200](#)

**Town/Parish Council:** Baddesley Clinton  
**Case Officer:** Liam D'Onofrio

01926 456527 [liam.donofrio@warwickdc.gov.uk](mailto:liam.donofrio@warwickdc.gov.uk)

**Registration Date:** 03/03/16

**Expiry Date:** 28/04/16

**Greenacre, Rising Lane, Baddesley Clinton, Solihull, B93 0DA**  
Minor alterations to house types approved under planning permission ref:  
W/15/1443 FOR Kingswood Homes (West Midlands) Ltd

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

### **RECOMMENDATION**

Planning Committee are recommended to grant planning permission, subject to conditions.

### **DETAILS OF THE DEVELOPMENT**

Planning permission is sought to vary condition 2 under planning permission ref: W/15/1443 to allow the minor alterations to the approved house types.

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

The application site relates to the southern (side) garden of Greenacre, which is located on the eastern side of Rising Lane within the village of Baddesley Clinton. The site is washed over by Green Belt.

### **PLANNING HISTORY**

W/15/1443 - Erection of 2 detached dwellinghouses - Granted 11/11/15

W/15/0839 - Erection of 1 dwellinghouse - Granted 24th July 2015

W/02/0799 - Erection of 2 dwellinghouses, garaging and access - Refused July 2002 - Appeal: Dismissed March 2003.

W/01/0647 - Erection of 17 two and three bedroom dwellinghouses - Refused December 2001.

### **RELEVANT POLICIES**

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

#### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

### **SUMMARY OF REPRESENTATIONS**

**Baddesley Clinton Parish Council:** Objection. The original plan submitted for this site was for a single dwelling within the garden of Greenacre. Subsequently an application for 2 houses, purporting to be within the same footprint as the single dwelling was granted. This proposal increases that footprint and the Parish Council considers this to be excessive development of this site within Green Belt.

**WCC Ecology:** No objection, subject to protected species and tree protection conditions.

**Public Response:** One objection received from the occupier of the adjoining property raising the following concerns:

- The plans are misleading and incorrectly shows the (red line) boundary.
- Loss of light, tunnelling effect, loss of amenity, noise.
- Potential for loss of trees.

### **ASSESSMENT**

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

- Principle;

- Siting and design;
- Impact upon the living conditions of nearby dwellings;
- Car parking and highway safety;
- Health and wellbeing;
- Ecology/ Landscaping;
- Drainage and flood risk;
- Renewable energy.

## **The Principle of the Development**

The principle for the development has already been established under planning permission ref: W/15/1443.

### Siting and design

The proposed dwellinghouses will remain well sited within the existing pattern of development, fronting the highway. Adequate gaps are considered to be retained between the dwellinghouses and the side boundaries.

The two dwellinghouses will form a handed pair. The approved design is of one with a contemporary glazed forward gable and one with a traditional window design with cambered brick arches over. The design has been amended so that both houses now have a contemporary design solution with minor design tweaks. The changes also include a subordinate two-storey side projection to plot 2, which will be unobtrusive within the streetscene. The bulk and mass of the proposed dwellinghouses largely reflects that of adjoining properties. No chimneys are provided, however, this is consistent with existing properties on this side of the highway.

The proposed dwellinghouses, as amended, are therefore considered to provide an acceptable scale and design and will not harm the visual amenity of the streetscene. The proposal is therefore considered to accord with Policy DP1 of the adopted Local Plan.

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

The location and siting of the proposed dwellinghouses has already been approved and the minor alterations proposed are not considered to result in any material loss of light, outlook, privacy or amenity to the occupiers of surrounding properties.

The additional two-storey side projection to Plot 2 will not breach the 45-degree sightline measured from the front/rear windows of neighbouring properties in compliance with the Council's Residential Design Guide SPG. The adjoining neighbour has raised concerns that the block plan is inaccurate, however, the applicant has confirmed the position of the boundary with an updated plan from the land registry and no further issues are therefore raised in this regard.

As before, it is suggested that first floor side-facing windows be conditioned to be obscure glazed to avoid any overlooking/ perception of overlooking to neighbouring properties.

The proposal is therefore considered to accord with Policy DP2 of the adopted Local Plan.

#### Car Parking and Highway Safety

The new access point was granted under the previous planning permission to which the Highway Authority raised no objection. Highway Authority comments are awaited for the current application and will be provided to Members in the additional observation report ahead of the Planning Committee meeting, however, previous conditions to secure visibility splays have been applied.

The site will provide adequate off-street parking with room for vehicles to turn and exit in a forward gear in accordance with the adopted Vehicle Parking Standards SPD.

#### Health and Wellbeing

No health and wellbeing issues are considered to be raised by this application.

#### Ecology and landscaping

The Country Ecologist has raised no objection to the current scheme, subject to conditions. These include the supervision of ground works/vegetation clearance by a qualified Ecologist (to check for protected species) and a scheme for tree protection measures to protected retained trees during construction. The proposal is therefore considered to accord with Policy DP3 of the adopted Local Plan.

#### Drainage and Flood Risk

The application site is within Flood Zone 1 and no flood risk issues are raised. The Council's Health & Community Protection Team have suggested a condition to secure a drainage plan with permeable hardstanding, Aco drainage adjacent to the property and soakaways sufficient to avoid any localised flooding issues.

#### CO<sup>2</sup>/ Renewables

The standard planning condition is suggested to secure either 10% of the predicted energy requirement of the development from renewable energy resources, or a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials to ensure compliance with Policy DP13 and the associated SPD.

### **SUMMARY/CONCLUSION**

In the opinion of the Local Planning Authority, the proposed changes to the previously approved development are minor in nature and retain an acceptable design solution that does not adversely affect the amenity of nearby residents or highway safety. The proposal is therefore considered to comply with the policies listed.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from 24th July 2015, the date of the original permission W/15/1443. **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) 250D, 251D, 150B (and 150B overlay) and specification contained therein, submitted on 03/02/16 and 23/03/16, except as required by conditions 3-6 below. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development shall be carried out in strict accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **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 DP1 of the Warwick District Local Plan 1996-2011.
- 4 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** To protect trees and other features during site construction in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall be carried out in strict accordance with details of surface water drainage works that shall have been submitted to and approved in writing by the local planning authority. Details shall include sustainable urban drainage methods to avoid localised flooding from the highway onto the lower application site. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.

- 6 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.  
**REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 7 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone ( whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 8 The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON:** To ensure that a satisfactory visibility splays in the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 9 The development hereby permitted (including site clearance) shall not commence unless and until two weeks' notice in writing of the start of works has been given to a licensed great crested newt ecologist appointed by the applicant to supervise all ground work elements of the development within the site. The Ecologist's report shall be submitted to the Local Planning Authority within one month of its completion.  
**Reason:** To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011 and NPPF.
- 10 The development hereby permitted shall either:  
a.) Be timetabled and carried out to avoid the bird breeding season

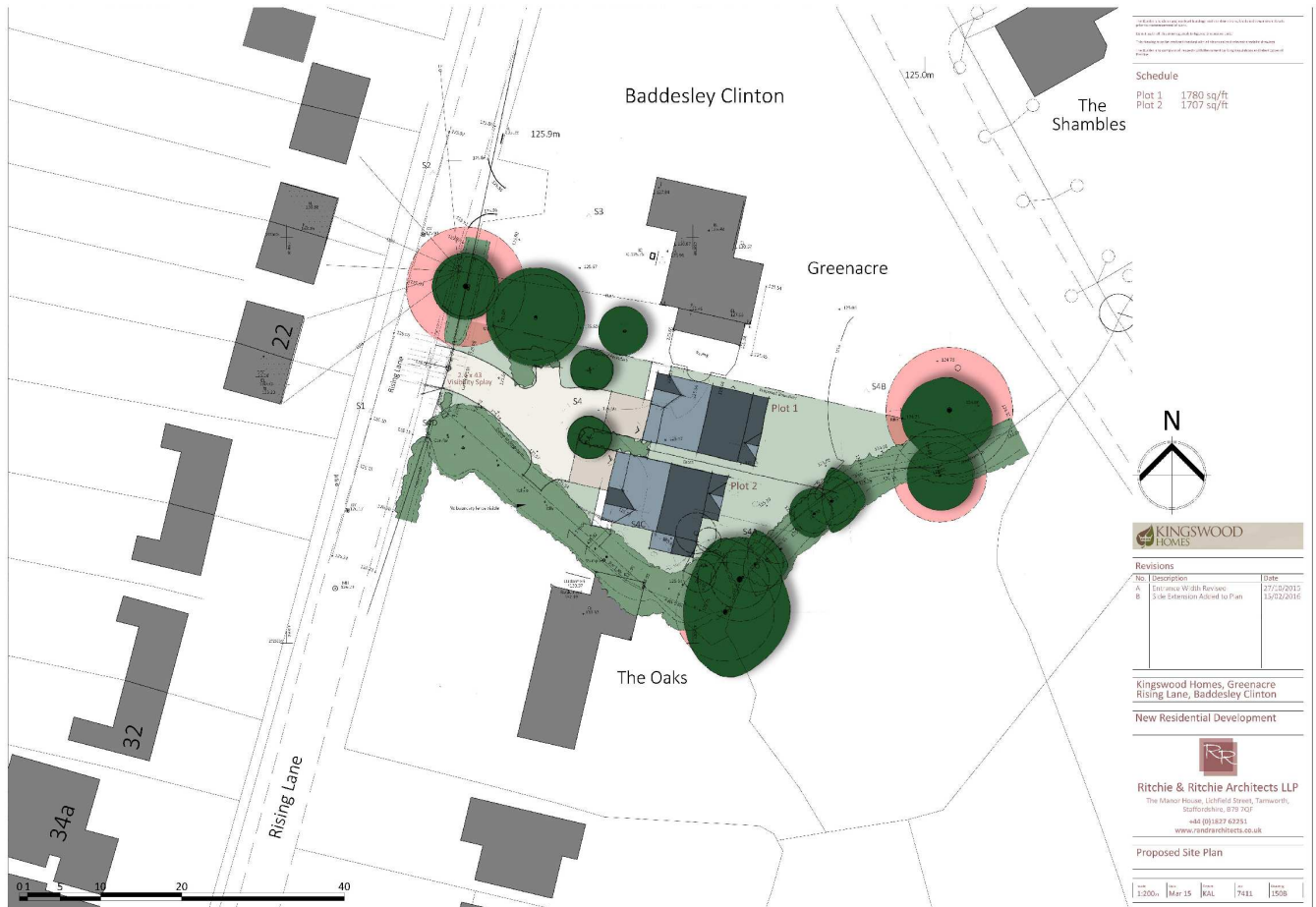
(March to September inclusive) to prevent possible disturbance to nesting birds.

b.) Not commence until a qualified ecologist has been appointed by the applicant to inspect the 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. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011 and NPPF.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the first floor window(s) and stairwell windows to be formed in the side elevations of the dwellinghouses hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed.  
**REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 12 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 without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, 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 with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. 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 DP1 and DP3 of the Warwick District Local Plan 1996-2011.











**Planning Committee:** 25 April 2016

**Item Number: 10**

**Application No:** [W 16 / 0217](#)

**Town/Parish Council:** Kenilworth

**Case Officer:** Jo Hogarth

01926 456534 jo.hogarth@warwickdc.gov.uk

**Registration Date:** 02/02/16

**Expiry Date:** 29/03/16

**Land adjacent South View, Forrest Road, Kenilworth**

Erection of bungalow FOR Mr Brian Sullivan

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

**RECOMMENDATION**

Planning Committee are recommended to grant planning permission, subject to conditions.

**DETAILS OF THE DEVELOPMENT**

The proposal seeks permission to erect a detached dwelling within the north-east of the existing garden of South View.

The proposed dwelling will be a 2 bedroomed bungalow with access being created at the very north-eastern corner of the existing garden area onto Forrest Road with parking being provided on hardstanding. The dwelling itself will be an 'L' shaped building with a maximum frontage width to Forrest Road of 10.3 metres (including the external staircase) with an overall maximum depth of 8.5 metres. The bungalow will have a pitched roof with an eaves height at 2.3 metres and a ridge height of 4.6 metres.

The application is supported by a Design and Access Statement, Sustainable Buildings Statement, Planning Statement and Arboricultural Report.

**THE SITE AND ITS LOCATION**

The application site lies on the periphery of Kenilworth Conservation Area to the north of the Town Centre and overlooks Abbey Fields.

The elongated triangular shaped site forms the rear/ side garden of South View. The southern boundary is a high retaining wall fronting Borrowell Lane and there is an Ash Tree protected by a Tree Preservation Order in the garden adjacent to this retaining wall. The northern boundary fronts Forrest Road which is a classified road.

## **PLANNING HISTORY**

W/97/1510 - Erection of new bungalow and vehicular access - Refused, 14th January 1998. Appeal dismissed, 11th June 1998  
W/04/1064 - Erection of 2 bed bungalow - Refused, 22nd July 2004  
W/04/1999 - Erection of detached bungalow - Refused, 17th December 2004  
W/05/0277 - Erection of detached bungalow - Refused, 9th May 2005. Appeal dismissed 21st December 2005  
W/13/1671 - Garage and workshop - Refused 21st March 2014  
W/14/0513 - Erection of detached garage / workshop - Granted, 27th May 2014  
W/15/1020 - Erection of a detached bungalow - Refused 18th August 2015

The reason for the last refusal was:

*"Policies DP1 & DAP8 of the Warwick District Local Plan 1996-2011 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Development is required to preserve or enhance the character and appearance of the Conservation area and respect its setting. Furthermore Policy DP2 states that development will not be permitted which does not provide acceptable standards of amenity for future users/occupiers of the development. Paragraph 53 of the NPPF 2012 states that LPA's should resist inappropriate development on garden land where this would cause harm to the local area.*

*The bosky nature of the existing site is a key feature of the site's character and that of the surrounding Conservation Area. The proposals to utilise the building as a separate residential dwelling would threaten the long term survival of the mature trees to the site including an Ash tree which is the subject of a Preservation Order to an unacceptable level. The trees are considered to positively contribute to the character of the surrounding conservation area and proposals which threaten their long term viability are considered to have a harmful negative impact on the Conservation area.*

*In addition, the cramped and contrived nature of the development as a separate residential dwelling would result in a layout that would provide poor outlook from main habitable windows to the detriment of amenities of future occupiers.*

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

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)

- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

#### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)

### **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** Members continued to object to applications on this contrived development on a small, narrow and awkward plot close to the Abbey Fields. Members felt that it provides a limited amenity area and reduces amenity to neighbours.

**WCC Highways:** No objection, subject to a condition requiring the vegetation to be permanently cleared for the visibility splays.

**WCC Archaeology:** No objection.

**WCC Ecology:** Recommend notes on amphibians, birds, reptiles and bats.

**Tree Officer:** No objection. Considers the tree protection measures contained in the arboricultural report to be acceptable.

### **ASSESSMENT**

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

- Principle of development

- Siting/Design and impact on character and appearance of the Conservation Area
- Impact on neighbouring properties and whether the proposal would provide adequate living conditions for future occupiers of the proposed dwelling
- Access and parking
- Ecology
- Energy efficiency / CO<sup>2</sup> reduction
- Health and Wellbeing
- Other matters

### The Principle of the Development

Policy UAP1 of the Warwick District Local Plan 1996-2011 seeks to direct new housing developments to urban areas and states that development will be permitted on previously developed land and buildings within the confines of the urban area. In all other circumstances, residential development will not be permitted unless it is for affordable housing to meet local needs in accordance with the definition in Policy SC11.

The application site comprises part of the garden to South View, Forrest Road, which does not fall within the definition of previously developed land. Therefore the principle of the development would be contrary to Policy UAP1 of the Warwick District Local Plan 1996-2011.

However, it is noted that the National Planning Policy Framework (NPPF) states at para.49 that relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. As the Council cannot demonstrate a five year supply of housing, accordingly, only limited weight can be afforded to Policy UAP1, and in these circumstances paragraph 14 of the NPPF is engaged which states that where the development plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

Para.53 of the NPPF states that LPAs should resist inappropriate development on garden land where this would cause harm to the local area. In this case, however, the proposed development would front the highway, and the extent of built development proposed has already been considered appropriate in this location, albeit as a garage.

### Siting / Design and impact on Conservation Area

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

Paragraph 132 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 134 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 DP1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design. Policy DAP8 seeks to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas and states that development will be expected to respect the setting and important views both in and out of them.

The scale and layout of the development proposed has already been considered acceptable in the 2015 grant of planning permission for a garage and the proposed footprint of the new bungalow would be the same. The design is such that it will be set down within the contours of the sloping garden with a door opening nearest the main house and external stairs leading to the amenity area.

With regards to the previous reason for refusal in relation to trees on the site and the potential pressure for their removal due to the garden being potentially in shade, the agent has provided shading maps demonstrating the shaded areas within the garden at 6am, 12 noon and 6pm. After midday there is some shading but it is not considered to be so intrusive so as to materially reduce the enjoyment of the garden. Furthermore, the windows and outlook for the occupiers of the bungalow is over Abbey Fields to the front so the trees are unlikely to affect internal light levels.

It is considered that within the context of the character and visual appearance of the streetscene and wider Conservation Area in which the site is located that the design is acceptable and would not result in material harm and the character would be preserved.

Impact on neighbouring properties and whether the proposal would provide adequate living conditions for future occupiers of the proposed dwelling

Policy DP2 of the Local Plan requires development to retain a satisfactory relationship to adjacent residents and states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and / or does not provide acceptable standards of amenity for future users/occupiers of the development.

The application building meets the minimum rear-side distance separation of 12m to South View in accordance with the Residential Design Guide SPG. There are no direct window-window relationships to the adjacent property and as the proposal is for a single storey building with windows only to the north and west elevations, the proposal will not result in material harm to the amenities of existing residents through loss of outlook or overlooking. The proposed dwelling will not create opportunities for overlooking. Any future proposals to convert the loft or insert windows within the roof slope can be restricted by a condition restricting permitted development rights. The level of external amenity space for both the proposed dwelling and that which will be retained by South View are considered adequate.



In terms of the amenities of the future occupiers of the proposed dwelling, the outlook from the bedroom and living room windows on the north elevation would be over Abbey Fields, across Forrest Road as the proposal does not include any boundary treatment to this frontage. This is considered to overcome one of the previous reasons for refusal. It is considered appropriate to impose a condition removing permitted development rights for the erection of a means of enclosure. Currently there are windows to the side elevation of South View which serve main habitable rooms and face directly onto the application site. Due to the change in ground level between the application site and South View there is the potential for overlooking and as such the applicants have shown that the first floor window in South View is to be permanently blocked off. Furthermore, it is proposed to erect a 2 metre high close boarded fence to separate the proposed dwelling and South View. This will reduce overlooking to an acceptable level. It is considered that a condition requiring these works to be implemented prior to the first occupation of the proposed dwelling would be necessary.

#### Access and Parking

There has been no objection raised by the Highway Authority, subject to a condition requiring the removal of the vegetation which is currently within the visibility splay. The proposal incorporates the provision of two off street parking spaces which accords with Policy DP8 and with the Council's adopted Vehicle Parking Standards SPD.

#### Ecology

It has been demonstrated through the provision of an Arboricultural report, which has been read and examined by an independent tree officer, that the proposed development can be physically built adjacent to the mature trees without detrimentally affecting their immediate viability. The tree officer raises no objection and concurs with the recommendations for tree protection which are outlined in the report.

With respect to the protection of species such as bats, reptiles, amphibians and great crested newts, it is considered appropriate to attach notes to the decision notice, drawing the attention to the applicant that care should be taken not to impact on these habitats, in accordance with the requirements set out in Policy DAP3 in the Local Plan and 1981 Wildlife and Countryside Act.

#### Energy efficiency / CO2 reduction

The scheme includes a report detailing how energy efficiencies are to be provided through renewable energy and fabric first improvements to the proposed dwelling and it has been demonstrated that these would meet the requirements contained in the Council's adopted Sustainable Buildings SPD and Policy DP13 in the Local Plan. It is considered that this can be secured by condition.

#### Health and wellbeing

It is considered that there are no significant impacts with regards to health and wellbeing.

### Other matters

No public open space is proposed as part of the application. It is therefore considered appropriate, in accordance with Policy SC13 and the associated Open Space SPD, to attach a condition to secure financial contributions towards the improvement and enhancement of public open space. This would equate to 2 x £628.00 = £1,256.00.

There is adequate space within the curtilage of the dwelling for the storage of bins and recycling boxes.

### **SUMMARY/CONCLUSION**

It is considered that this amended scheme addresses the reasons for refusal in the previous application in terms of outlook for future occupiers and amenities of occupiers of South View and the character and appearance of the area. The proposal is considered to be acceptable within the streetscene and wider Conservation Area such that the requirements of the Local Plan Policies listed are met.

### **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 number 4165/14 and specification contained therein and the recommendations contained in the arboricultural report, submitted on 2 February 2016. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

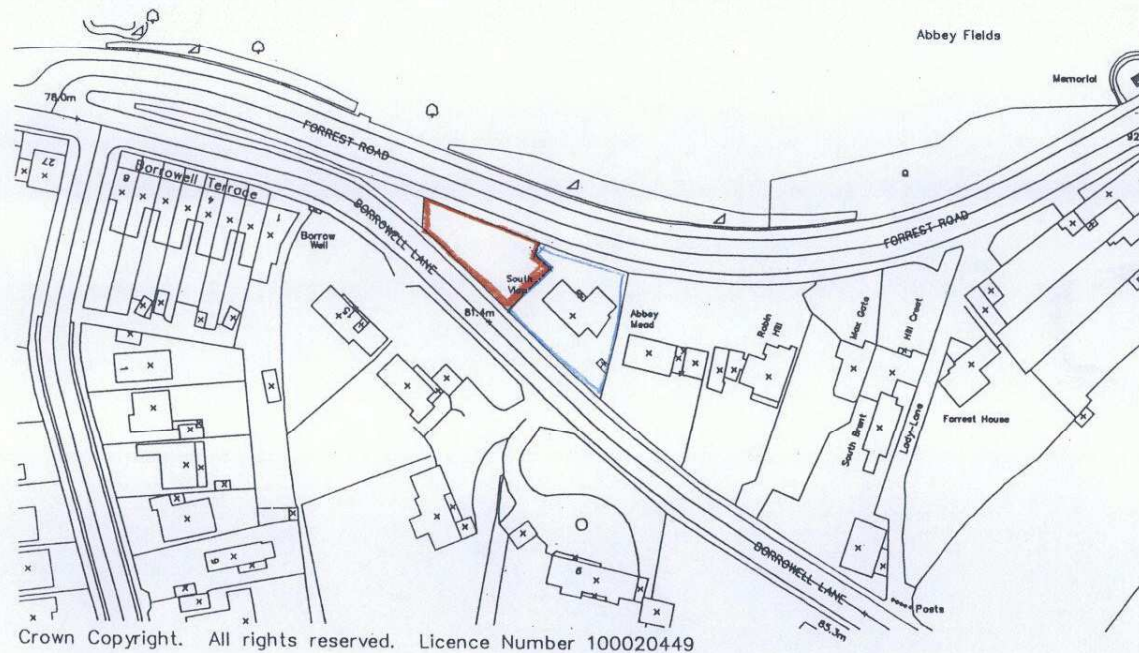
(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

**REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

- 4 Samples of the external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 and DAP8 of the Warwick District Local Plan 1996-2011
- 5 No development shall be carried out on the site which is the subject of this permission, 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 District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** For the avoidance of doubt, and to ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.
- 6 Prior to commencement of the development hereby approved, details of a porous surface treatment for the hardstanding shall be submitted to and approved in writing by the Local Planning Authority. The hardstanding shall be constructed and surfaced, in full accordance with the approved details. **REASON:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan
- 7 The development hereby permitted shall not commence on the site until a protective fence around the trees identified on the plan to be retained has been erected in accordance with the arboricultural report. Within the approved fenced area there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **REASON:** To protect the trees on the site in accordance with Policies DP1 and DAP3 of the Warwick District Local Plan 1996 - 2011.
- 8 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure a high standard of design and appearance within the Conservation Area and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 9 Prior to the first occupation of the dwelling hereby permitted, the first floor window in South View, as shown on drawing number 4165/14 shall be permanently closed off and retained as such at all times thereafter. **REASON:** To protect the amenity of the occupiers of the new dwelling, in accordance with Policy DP2 in the Warwick District Local Plan 1996-2011.

- 10 Notwithstanding the provisions 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 development under Part 1, Class A, B, C or Part 2, Class A, Schedule 2 shall be carried out without the prior written approval of the local planning authority. **REASON:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 11 The development hereby permitted shall not be first occupied unless and until the renewable energy/fabric first scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 12 Prior to the first occupation of the dwelling hereby permitted, the parking area shown on drawing number 4165/14 shall be laid out and made available, kept clear from obstruction and retained as such at all times thereafter. **REASON:** To ensure that there is adequate off street parking availability, in accordance with Policy DP8 in the Warwick District Local Plan 1996-2011.
- 13 Prior to the first occupation of the dwelling hereby permitted, the vegetation to the west of the new access shall be permanently cleared and maintained as such at all times thereafter. **REASON:** In the interests of highway safety and to satisfy Policy DP6 in the Warwick District Local Plan 1996-2011.

SOUTH VIEW  
FORREST ROAD  
KENILWORTH

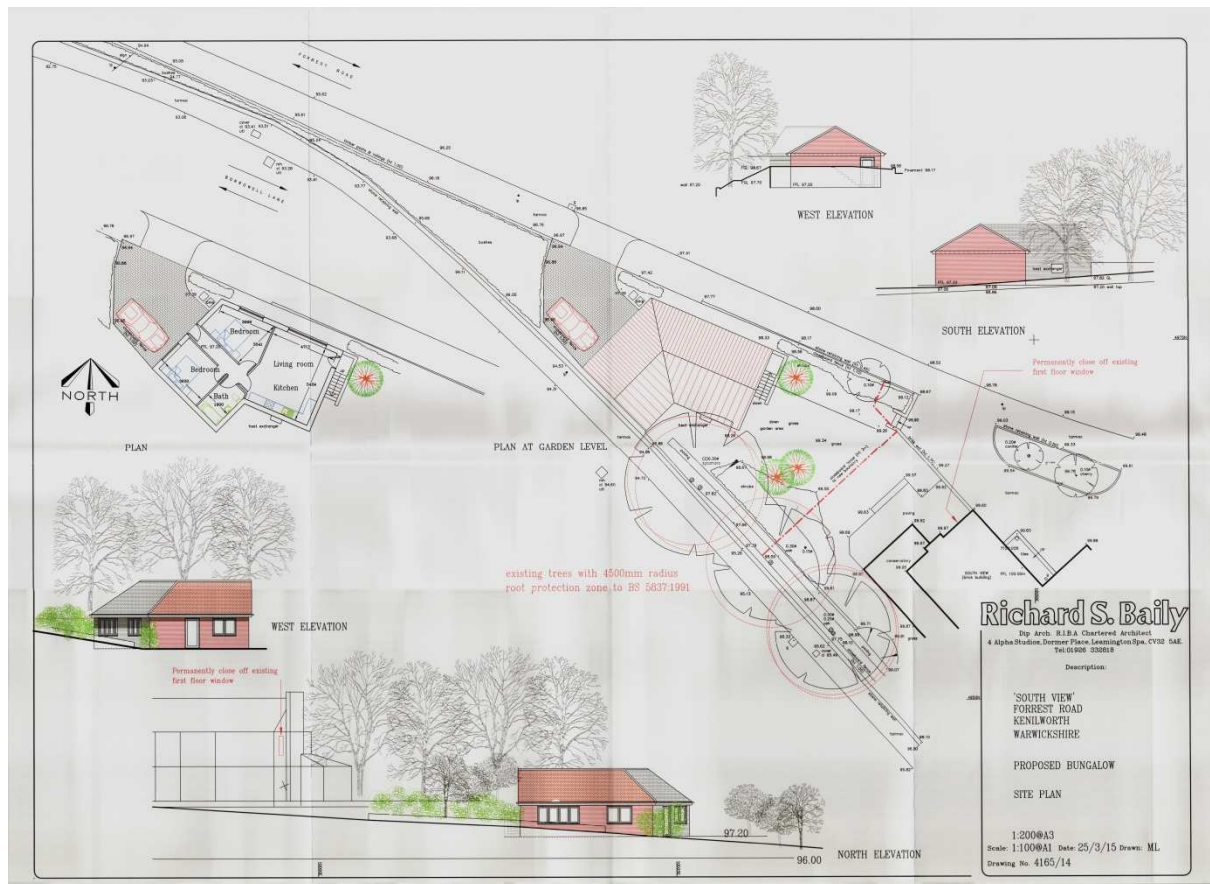


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4165

SITE LOCATION PLAN

1:1250



**Planning Committee:** 25 April 2016

**Item Number: 11**

**Application No:** [W/16/0280](#)

**Town/Parish Council:** Weston under Wetherley  
**Case Officer:** Emma Spandley  
01926 456533 [emma.spandley@warwickdc.gov.uk](mailto:emma.spandley@warwickdc.gov.uk)

**Registration Date:** 09/03/16  
**Expiry Date:** 04/05/16

**Weston House, Rugby Road, Weston Under Wetherley, Leamington Spa,  
CV33 9BW**

Erection of 3no. two storey detached dwellings following demolition of existing public house. FOR Dickinson. Bains and Thompson

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This application is being presented to Committee as the Parish Council supports the application and it is recommended for refusal.

**RECOMMENDATION**

Planning Committee are recommended to refuse planning permission for the reasons set out at the end of the report.

**DETAILS OF THE DEVELOPMENT**

The application proposes the erection of 3 two storey 4 bedroomed detached houses after the demolition of the existing Public House.

**THE SITE AND ITS LOCATION**

The application site contains a large mainly two storey 'L' shaped building, formerly a Public House, together with a large car park surfaced in tarmac to the north and a garden area to the south. The site is situated in an area of dispersed development in the open countryside on the edge of Weston under Wetherley. The site is washed over by Green Belt.

**PLANNING HISTORY**

W/14/0262 - Application for a Lawful Development Certificate for the proposed change of use from a Public House (Use Class A4) to a Letting Agency (Use Class A2) - granted 22nd May 2014

W/14/0768 - Change of use and conversion from Public House to a single dwelling - refused. Subsequently granted on appeal.

**RELEVANT POLICIES**

- National Planning Policy Framework
- [The Current Local Plan](#)

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**Weston Under Wetherley Parish Council:** 'Weston under Wetherley Parish Council wishes to support planning application W/16/0280 for the erection of three two storey houses on the site of the former Bull Inn.

The site under application is a brownfield site with a large unattractive former Public House, currently in very poor physical condition due to the vandalism it has suffered over the period of time since it ceased trading. Additionally, the building itself is in the centre of a large tarmac car park, which is equally visually unappealing.



Whilst recognising that the site lies within the Green Belt, the Parish Council believes that the building of three good quality homes would enhance the visual aspect of the area in general, and in particular that of adjoining houses. The landscaping that is to be undertaken by the developer will result in an aesthetically pleasing appearance as compared to the stark openness of the current site frontage. It is therefore considered that the proposed development does not have a greater impact on the openness of the Green Belt than the existing buildings and car park.

The site is within a small enclave of housing on this part of the Rugby Road and the Parish Council consider it to be appropriate infilling as opposed to encroachment into the open countryside. Weston under Wetherley's Parish Plan was adopted by the Parish Council on the 31st July 2013 and subsequently by the District Council. Of those residents who contributed to the Parish Plan, nearly 60% expressed the wish that further development in the village should be resisted, except for modest infill of property sympathetic in size and style to neighbouring properties. The Parish Council believes that the application submitted meets these criteria.

The Parish Council recognises that whilst the erection of three houses may result in a small increase of the building footprint, it wishes to point out that the entire site was used for business purposes, particularly during the summer months, not just the building itself. The plans for dedicated access to the proposed houses, together with on-site turning areas, should improve highway safety, particularly coupled with the reduction in traffic since the public house ceased trading.

Finally, in the interests of the village in general and the residents of neighbouring properties in particular, the Parish Council would like to see the site developed as soon as possible to remove the eyesore which is marring the appearance of their village and creating anxiety for those closest to the site.'

**Housing Strategy:** Require an affordable housing contribution.

**WCC Highways:** No objection, subject to conditions.

**WCC Ecology:** No objection subject to conditions.

**WCC Archaeology:** No objection subject to conditions.

**Public Response:** 2 letters of objection have been received on grounds of the need for large houses, which is contrary to the Parish Plan; the impact on the adjoining property; flooding and that the site is not limited infilling.

6 letters of support have been received which centre around the support for the redevelopment of the site, however, comments also including the need for smaller houses, impact on highways, drainage and the neighbouring property.

## **ASSESSMENT**

It is considered that the key issues in the consideration of the proposal are:

- Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether any very special circumstances exist to outweigh the harm by reason of inappropriateness and any other harm identified.
- Design and impact on character of the area.
- Impact on neighbours
- Parking and highway safety
- Affordable housing
- Ecology
- Renewables
- Archaeology
- Other matters

### Green Belt

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. Paragraph 89 of the NPPF makes it clear that the construction of new buildings in the Green Belt is inappropriate development. An exception to this is replacement buildings where the new building is in the same use and not materially larger than the one it replaces. There is no definition of materially larger but the LPA has consistently used the figure of 9% in this respect.

The existing building has a gross floor area of 137 square metres at ground floor and approximately 100 square metres at first floor, equating to 237 square metres. Each of the three houses proposed has a gross floor area of 204 square metres, therefore the increase in the built development is 258%. Not only is the percentage increase of built form on the site 258% and therefore the replacement buildings are substantially larger than the existing building on the site which is considered inappropriate development within the Green Belt; the proposed three houses are spread across the entire site therefore increasing urban sprawl and diminishing the openness of the Green Belt, which is contrary to the aims of the NPPF.

Further exceptions to inappropriate development under paragraph 89 are limited infilling in villages and limited infilling of previously developed sites which would not have a greater impact on the openness of the Green Belt.

Policy H11 of the draft Local Plan provides the LPA's interpretation of limited infilling and limits it to no more than 2 dwellings infilling a small gap fronting the public highway between an otherwise largely uninterrupted built up frontage, which is visible as part of the streetscene. However, as the examination into the draft plan is currently suspended only limited weight can be afforded to this policy at the current time.

Due to the distance between the existing building and Bibury Cottage to the North and the Old Police House to the south west combined with the limited opportunity to view them together in the streetscene due to the curvature of the road means that the application site is not seen as a gap between existing properties or indeed as a small gap in an otherwise built up frontage. Rather its open nature together with the open land on the opposite side of the road means that it is seen in contrast to the more built up environment within the village

envelope. Therefore even having regard to the status of Policy H11, the application site cannot therefore be readily described as "infill".

Whilst the application site does constitute a previously developed site, the proposed development would unquestionably have a greater impact on the openness of the Green Belt.

It is therefore concluded that the proposal does not fall within any of the exceptions to inappropriate development in the Green Belt and is harmful by definition and by reason of harm to openness.

The Parish Council's comments in relation to the deterioration of the site are noted, however, as stated above, planning permission has been granted for the conversion of the building to a dwellinghouse and no information has been submitted to indicate that the approved scheme is not viable.

#### Design and Impact on character of the area.

The design of the proposed houses is two storey with a front gable slightly projecting forward of the main front elevation. There are a number of different types and styles of properties within Weston Under Wetherley and the immediate surrounding area. It is therefore considered that the design of the proposed houses is acceptable within the area. The proposal is therefore considered to accord with Policy DP1 of the Local Plan.

#### Living Conditions

The nearest neighbouring property, Bibury Cottage, is located 22 metres to the north from the rear elevation of the proposed house on Plot 1. The comments received from the occupiers of Bibury Cottage are noted, however, that property is single storey and there is an abundance of high planting along the boundary which can be retained by condition. The proposed dwelling on Plot 1 is also set at an angle to Bibury Cottage and therefore it is considered that with the significant separation distance and the relationship between the two properties, the proposed dwelling in Plot 1 will not have a detrimental impact on the occupiers of Bibury Cottage through increased visual intrusion or loss of light or privacy.

There are no other residential dwellings surrounding the site.

#### Highway safety

The existing Public House is served via a dropped kerb access which is approximately 70 metres wide and provides access to two separate parking areas. The development proposals include the closure of the majority of the access and reinstatement of the footway. Drawing no. 15/078.07A shows that two accesses shall be created to serve the proposed dwellings, with a shared access serving Plots 1 and 2 and a single access serving Plot 3.

At the location of the proposed accesses, Rugby Road is subject to a 30mph speed limit requiring visibility splays of 43 metres in both directions, when measured 2.4 metres back from the edge of the carriageway. Approaching

vehicle speeds from the south are likely to be slower than the posted speed limit, due to the alignment of the carriageway. It appears that the existing boundary fence shall be set back behind the visibility splay, to ensure that the required visibility splays can be achieved in both directions, at each access point.

The Highway Authority consider that the proposed 3 dwellings will generate fewer vehicular trips compared to the existing permitted use as a Public House and raise no objection, subject to conditions. It is therefore considered that the proposed dwellings will not have a detrimental impact on highway safety.

Each property requires 2 off road car parking spaces in accordance with the Council's adopted Vehicle Parking Standards SPD. The plans indicate that there is sufficient room for each property to have at least 2 off road car parking spaces. The proposed development is therefore considered to comply Policy DP8 and the adopted Vehicle Parking Standards SPD.

### Affordable housing

The application is in outline for a residential development of 3 dwellings. The site is of sufficient size to engage adopted Local Plan Policy SC11 which requires a minimum of 40% affordable housing on sites of this size in rural areas.

The 40% requirement will mean 1 affordable dwelling based on the current proposal. It is noted that the Planning Statement accompanying the application states that "Relevant contributions will be made towards an offsite provision of affordable housing compliant with Affordable Housing SPD dated January 2008." Policy SC11 referred to above states "Contributions in lieu of on site delivery, such as money, land or off site provision, may be accepted in exceptional circumstances."

The Affordable Housing SPD explains that the District Council's first preference is always for onsite provision as long as it is viable and there is a social landlord willing to take the properties or if there are other exceptional circumstances. For one property in an isolated village the only landlords likely to even consider this are those with existing stock in the village. There are two social landlords with stock in Weston-under-Wetherley, i.e. Warwickshire Rural Housing Association and Warwick District Council Landlord Service so we would expect the applicant to approach these landlords to see if either would be interested in taking the house. If neither landlord shows an interest then an off-site contribution or commuted sum could be considered. For a commuted sum the calculation is based upon the build cost in making equivalent provision elsewhere in the district.

The affordable housing can be secured by a s.106 agreement.

### Ecology

A bat survey was submitted with the application. Ecology consider that activity survey work is required in order to determine presence /absence of roosting bats at the former public house building. Ecology recommend that further activity survey work is carried out prior to commencement on site (including demolition). This can be secured by a suitable worded condition.

## Renewables

The proposal requires the properties to either be built using the fabric first approach or to produce 10% of the predicted energy requirements from renewable resources in accordance with Policy DP13 and the associated SPD. This can be controlled by a suitable worded condition.

## Archaeology

The proposed development lies within the possible extent of the medieval settlement at Weston Under Wetherley (Warwickshire Historic Environment Record MWA19200). There is a potential for further archaeological deposits associated with this complex to extend across the application site. The proposed development would have a negative impact upon any archaeological deposits across the application site.

Archaeology do not object to the principle of development, however, archaeology do consider that some archaeological work will be required in the form taking a phased approach, the first phases of which would comprise an archaeological evaluation by trial trenching. This can be controlled by a suitably worded condition.

## **SUMMARY/CONCLUSION**

The proposed development constitutes inappropriate development within the Green Belt which is harmful by definition and by reason of harm to openness due to the bulk and massing and spread of built development and resultant urban encroachment. No very special circumstances have been demonstrated to exist sufficient to outweigh the harm identified.

The proposed development is therefore contrary to the National Planning Policy Framework.

## **REFUSAL REASONS**

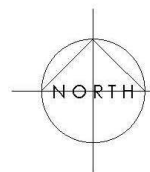
- 1 The proposed development by reason of it's scale, bulk and mass constitutes inappropriate development in the Green Belt, which is harmful by definition and by reason of harm to openness. The harm to openness is exacerbated as a result of the proposed development being spread across the site which is largely open at present. No very special circumstances have been demonstrated to exist sufficient to outweigh the harm identified.

The proposed development is therefore contrary to the National Planning Policy Framework.

- 2 The proposed development would be contrary to Policies SC11 of the Warwick District Local Plan 1996-2011, in that no mechanism has been provided to secure affordable housing contributions and therefore infrastructure needs generated by the development have not been satisfactorily secured.



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The Coach House  
3rd New Street, Shipston-on-Strat  
Warwickshire, CV35 4EW  
01608 661000  
studio@hscarhitect.co.uk



Client		Date	
Sureway Builders Ltd		July 2015	
Job	The Bull Inn, Weston under Wetherley	Scale	1:1250 @ A4
		Drawn	SH
Drawing Title	Site Location Plan	Job Number	15-078
		Drawing Number	01

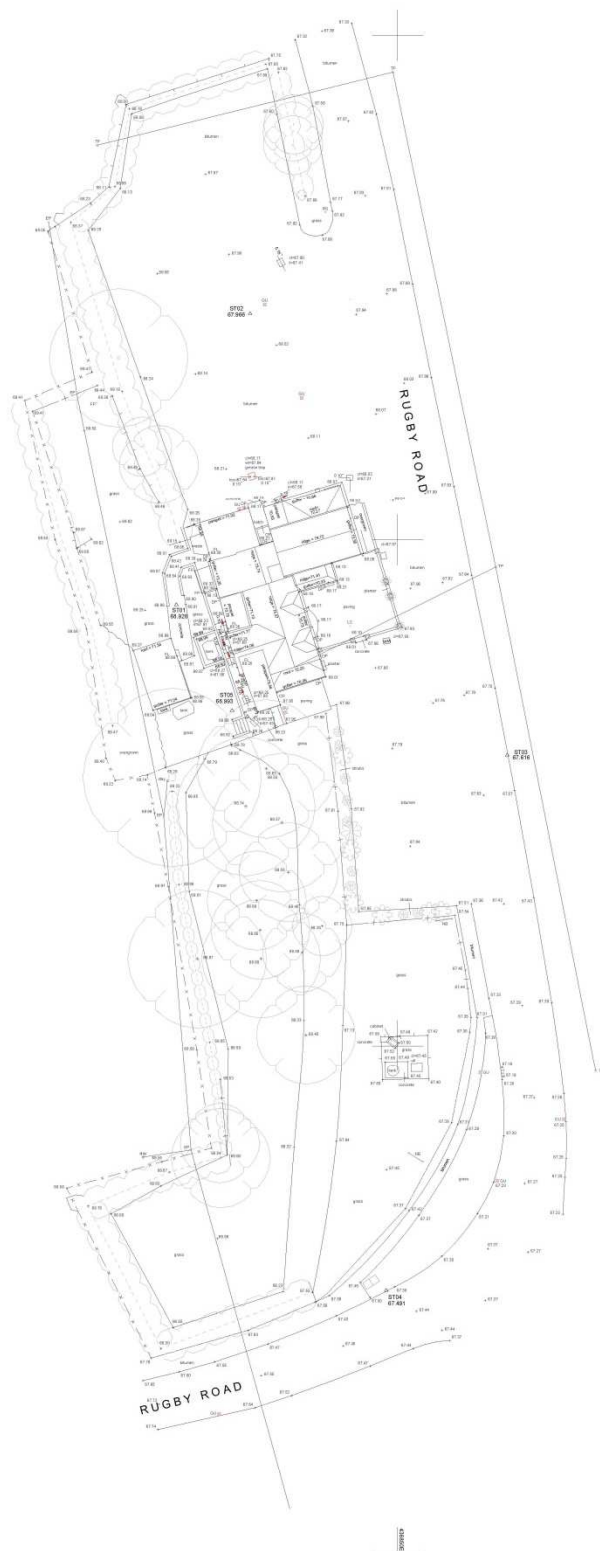
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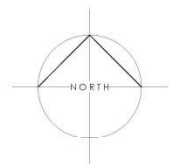
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Notes

**Hayward Smart Architects**

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Warwickshire, CV36 4EW  
01828 661000 f  
studio@hsmartarchitects.co.uk

Client	Sureway Builders Ltd
Project	The Bull Inn Development Weston under Wetherley
Survey	Survey Existing Site Layout
Date	July 2015
Scale	1:200 @ A1
Drawn	SH
Check	15/07/8 03
architecture + interiors	







**Hayward Smart Architects**  
The Capital House  
30 New Street, Birmingham B2 4NU  
Birmingham, CV2 4NU  
0121 601 1001  
info@hayward-smart.co.uk

Client  
Sureway Builders Ltd

Project  
The Bull Inn Development  
Wotton-under-Claydon

Proposal  
Dwelling Type 1

Date  
Nov 2015

Scale  
1:100 @ A1      Date      04

Drawn  
15/07/15      Number      048

Architecture + Interiors

**Planning Committee:** 25 April 2016

**Item Number:** **12**

**Application No:** [W 16 / 0379](#)

**Town/Parish Council:** Hunningham  
**Case Officer:** Emma Spandley  
01926 456533 emma.spandley@warwickdc.gov.uk

**Registration Date:** 29/02/16  
**Expiry Date:** 25/04/16

**Elm Farm, Long Itchington Road, Hunningham, Leamington Spa, CV33  
9EA**

Conversion and extension of two agricultural buildings and a former water tower to create 1no. dwellinghouse and 1no. holiday cottage and erection of car port after demolition of Dutch Barn and existing outbuildings (resubmission of application ref: W/15/1647) FOR Mr & Mrs Wardle

-----

This application has been requested to be presented to Committee by Councillor Doody.

**RECOMMENDATION**

Planning Committee are recommended to refuse planning permission, for the reasons set out at the end of the report.

**DETAILS OF THE DEVELOPMENT**

Conversion and extension of two agricultural buildings and a former water tower to create 1no. dwellinghouse and 1no. holiday cottage and erection of car port after demolition of Dutch Barn and existing outbuildings (resubmission of application ref: W/15/1647).

**THE SITE AND ITS LOCATION**

The application site is located within the small village of Hunningham which is washed over by Green Belt. The site forms part of a farm, which currently has three buildings which are of substantial construction and are able to be converted. The site also includes an open sided pole barn.

**PLANNING HISTORY**

W/14/0913 - Application for a Lawful Development Certificate for existing use of building 1 for vehicle repair and storage; use of building 2 for vehicle storage; use of area of hardstanding 3 for vehicle storage and repair; use of area of hardstanding 4 for vehicle storage - Lawful Use.

W/14/1294 - Proposed road - prior approval not required.

W/14/1420 - Agricultural prior notification for cattle shed - refused.

W/14/1565/AG - Agricultural prior notification for a cattle shed - prior approval not required.

W/15/1647 - Demolition of Dutch barn and existing outbuildings and conversion of two agricultural buildings and a former water tower to create one dwellinghouse and one holiday cottage - withdrawn.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE4 - Converting Rural Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS19 - Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

- Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

### **SUMMARY OF REPRESENTATIONS**

**Eathorpe, Hunningham, Offchurch & Wappenbury Parish Council:** No objection.

**Cllr Doody:** Supports the application. Requests referral to Planning Committee if case officer minded to recommend refusal.

**WCC Archaeology:** No objection, subject to conditions.

**WCC Ecology:** No objection, subject to conditions.

**WCC Highways:** No objection, subject to conditions.

### **ASSESSMENT**

The main issues in the consideration of this application are:

- Whether the proposal constitutes appropriate development in the Green Belt, and if not, whether there any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified.
- Design and the character and appearance of the area
- Whether the proposal would be a sustainable form of development having regard to the NPPF
- Parking and Highway Safety
- Ecology
- Archaeology
- Trees
- Renewables.

### Green Belt

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. Paragraph 89 of the NPPF states that the extension or alteration of a building is appropriate development in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building. It also states that the replacement of a building is appropriate provided that the new building is in the same use and not materially larger than the one it replaces. Policy RAP2 of the Local Plan goes on to clarify that extensions which represent an increase of more than 30% of the original building will be considered to be disproportionate.

Paragraph 90 in the NPPF states that the exceptions to inappropriate development in the Green Belt includes the re-use of existing buildings as long as they are of permanent and substantial construction. This is echoed in Policy RAP7 in the Local Plan which states reuse is acceptable provided:-

- the building is of permanent and substantial construction;
- the condition of the building, its nature and situation, makes it suitable for re-use or adaptation;
- the proposed use or adaptation can be accommodated without extensive rebuilding or alteration to the external appearance of the building;
- the proposal retains and respects the special qualities and features.

The Council also has Supplementary Planning Guidance (SPG) entitled "Agricultural Buildings and Conversion - Barns", which sets out design advice to help prevent the introduction of inappropriate design elements which can be highly destructive to the character, historic fabric and setting of a former barn or agricultural complex. It states that conversion works must be contained within the existing buildings and that new extensions, glazed links, etc. will not be permitted.

Structure 1 is the brick built barn that is proposed to be converted to a house. The building satisfies the criteria to be converted due to the conversion being kept to the existing building and the additional openings respect the vernacular character of barns and is considered acceptable in principle.

In terms of the proposed car port, however, paragraph 89 of the NPPF states the erection of new buildings within the Green Belt is inappropriate development. Therefore, the erection of the car port is considered to constitute inappropriate development in the Green Belt, which is harmful by definition. It is acknowledged that the proposed building is a replacement for existing buildings which are proposed to be demolished, however, the proposed building is not in the same use as the existing as required by para 89 of the NPPF.

Structure 2 is a brick built building and Structure 3 is the water tower which together are proposed to be converted to a holiday let. The buildings satisfy the criteria for reuse; however, the proposal also includes a link extension to join the two structures together which is considered contrary to Policy RAP7 and the SPG. Policy RAP7 states that the reuse of existing buildings within the Green Belt is acceptable but where proposals include extending rural buildings as part of their conversion this will not be approved unless it can be demonstrated that the extension is essential for the retention of the building. The applicant has not demonstrated that this is the case. Furthermore, the proposed extension is in the order of 60% greater than the combined floor area of structures 1 and 2 and the proposal therefore constitutes inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness.

Also, the proposed unrestricted use as a dwelling would be likely to result in an increase in domestic activities as a result of the nature of the permanent occupation, particularly in terms of the curtilage and associated domestic paraphernalia. The proposal would be likely to have a material impact on the character, appearance and openness of the Green Belt and would be contrary to the NPPF.

### Design and the character and appearance of the area

The Agricultural Buildings and Conversion - Barns SPG states that the introduction of inappropriate design elements can be destructive to the character, historic fabric and setting of former barns or agricultural complexes. The prevailing vernacular is with brick built buildings with clay tiled roofs and further states that the conversion work must be contained within the curtilage of the existing builds: New extensions, glazed links or conservatories will not be permitted.

The proposed glazed link will therefore add an alien and incongruous feature to the former brick built stable block and former agricultural water tower which would harm the integrity of the former agricultural buildings and is contrary to the Agricultural Buildings and Conversion SPG.

### Sustainability

Paragraph 55 of the NPPF states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where housing would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

Hunningham is a small and isolated settlement with only a Public House and a Cricket Club. There are no local services or facilities that would meet the day-to-day needs of the occupiers of the proposed dwelling without the need to travel by private vehicle. There is no regular public transport provision to link the settlement to other larger villages or towns. Consequently the additional car journeys likely to be generated as a result of the proposed development would not accord with the NPPF's objective to balance the transport system in favour of sustainable travel. A case for special circumstances has not been made and it is considered that none exist.

### Parking and Highway Safety

The application proposes to erect a 2 bay car port for the house. There are no designated spaces marked out for the holiday cottage, however, there is enough space on site to accommodate a further 2 vehicles off road. This can be controlled by a suitably worded condition.

The existing access onto the highway is substandard and the Highway Authority initially objected to the planning application due to a lack of information regarding associated trip journeys to and from the site. The applicant has provided additional information setting out that the existing parking arrangements for at least 3 dwellings in the local vicinity would cease and only parking for the proposed house and holiday cottage would be permitted for the development within the site. On this basis, the Highway Authority have removed their initial objection and now raise no objection, subject to conditions.

### Ecology

A bat survey was submitted with the application. No evidence of bats has been found, however, it is considered that there are numerous opportunities for roosting bats and therefore Ecology have requested that further activity surveys are carried out prior to any development (including demolition) being carried out on the site. This can be controlled by a suitably worded condition. The proposal is therefore considered to accord with Policy DP3.

### Archaeology

The outbuildings to be converted are shown on the 1st edition Ordnance Survey Map which indicates that the buildings existed by the mid 1880's. The proposed development is likely to alter, damage or obscure elements of the historic building fabric, which are important in understanding the nature, extent and function of this structure. The Archaeology Officer raises no objection, subject to a photographic record of the buildings. This can be controlled by a suitably worded condition.

### Trees

There is a large Sycamore tree to the west of the existing pole barn which is in good condition and provides a positive contribution to the visual amenity of the locality. This tree is to be retained as part of the development. A tree report has been submitted which that the development can take place without compromising the root protection area required to safeguard the tree. It also suggests mitigation measures to ensure the tree is protected during the course of the development. The development can be conditioned to be carried out in accordance with the recommendations in the report.

### Renewables

The conversion of the buildings will require the conversion to achieve a fabric first approach or for each dwelling 10% of the predicted energy requirements are required to be produced by green technology. This can be controlled by a suitably worded condition.

### **Summary/Conclusion**

It is therefore concluded that the application site would not provide a suitable site for housing having regard to the principles of sustainable development, Green Belt and character and appearance. These adverse impacts would significantly and demonstrably outweigh the limited benefits that one dwelling and one holiday let would provide for the acknowledged local lack of housing land supply. The proposal is therefore contrary to the aforementioned policies.

### **REFUSAL REASONS**

- 1 The buildings, subject of this application, are within the Green Belt, wherein the Local Planning Authority is concerned to ensure that the rural character of the area will be retained and protected in accordance with national policy guidance contained in National Planning Policy

Framework 2012. The NPPF states that the reuse of permanent and substantial buildings is not inappropriate provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. Policy RAP7 of the Warwick District Local Plan 1996-2011 (WDLP) sets a number of criterion for the appropriate conversion of rural buildings which is also echoed within the "Agricultural Buildings and Conversion - Barns" Supplementary Planning Guidance (2010).

In the opinion of the Local Planning Authority, it is considered that the proposed development, due to the extent of the proposed extensions and associated bulk and mass would radically alter the scale and character of the original structures, detrimentally affecting the character and openness of this rural locality and thereby constituting inappropriate development, harmful by definition and by reason of openness, conflicting with the aims of the aforementioned national and local Green Belt policy.

The proposed unrestricted use as a dwelling would also result in an increase in domestic activities as a result of the nature of the permanent occupation, particularly in terms of the curtilage and associated domestic paraphernalia. The proposal would be likely to have a material impact on the character, appearance and openness of the Green Belt and would be contrary to the NPPF. No very special circumstances have been demonstrated and none are considered to exist that outweigh the harm to the openness of the Green Belt.

- 2 Policy DP1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design.

The Council has also adopted Supplementary Planning Guidance "Agricultural Buildings and Conversion - Barns" which states that the introduction of inappropriate design elements can be destructive to the character, historic fabric and setting of a former barn or agricultural complex. The prevailing vernacular is with brick built building with clay tiled roofs and further states that the conversion work must be contained within the curtilage of the existing builds: New extensions, glazed links or conservatories will not be permitted.

In the opinion of the Local Planning Authority, the proposed glazed link will add an alien and incongruous feature to the brick and tile former stable block and former agricultural water tower which will be harmful to their integrity, character and appearance.

The proposal is therefore considered to be contrary to the Agricultural Buildings and Conversion SPG and Policy DP1 of the Local Plan.

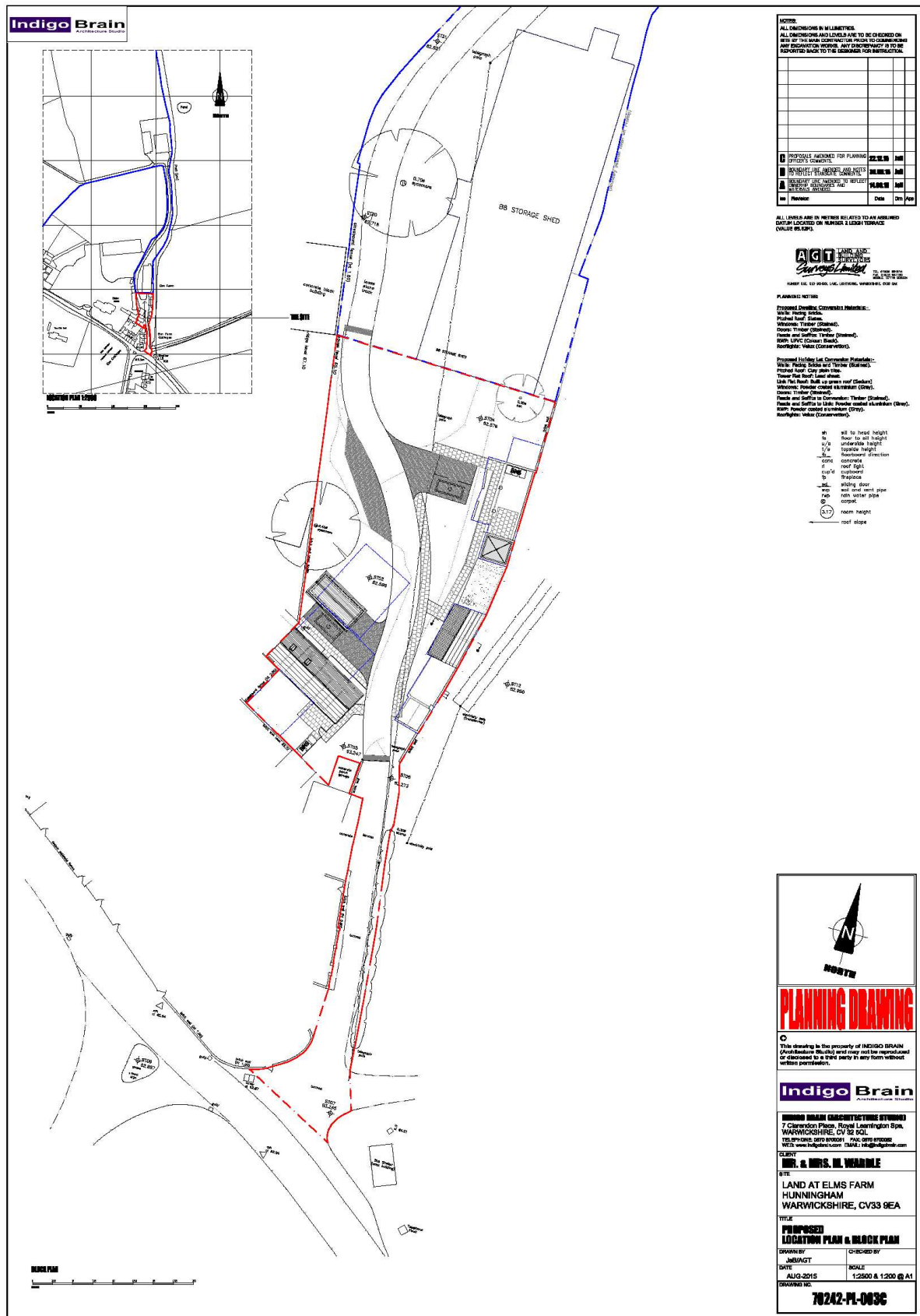
- 3 Policy RAP1 of the Warwick District Local Plan 1996-2011 only permits the conversion of rural buildings to unrestricted residential use where all of the following criteria are met: (a) the building is located within or

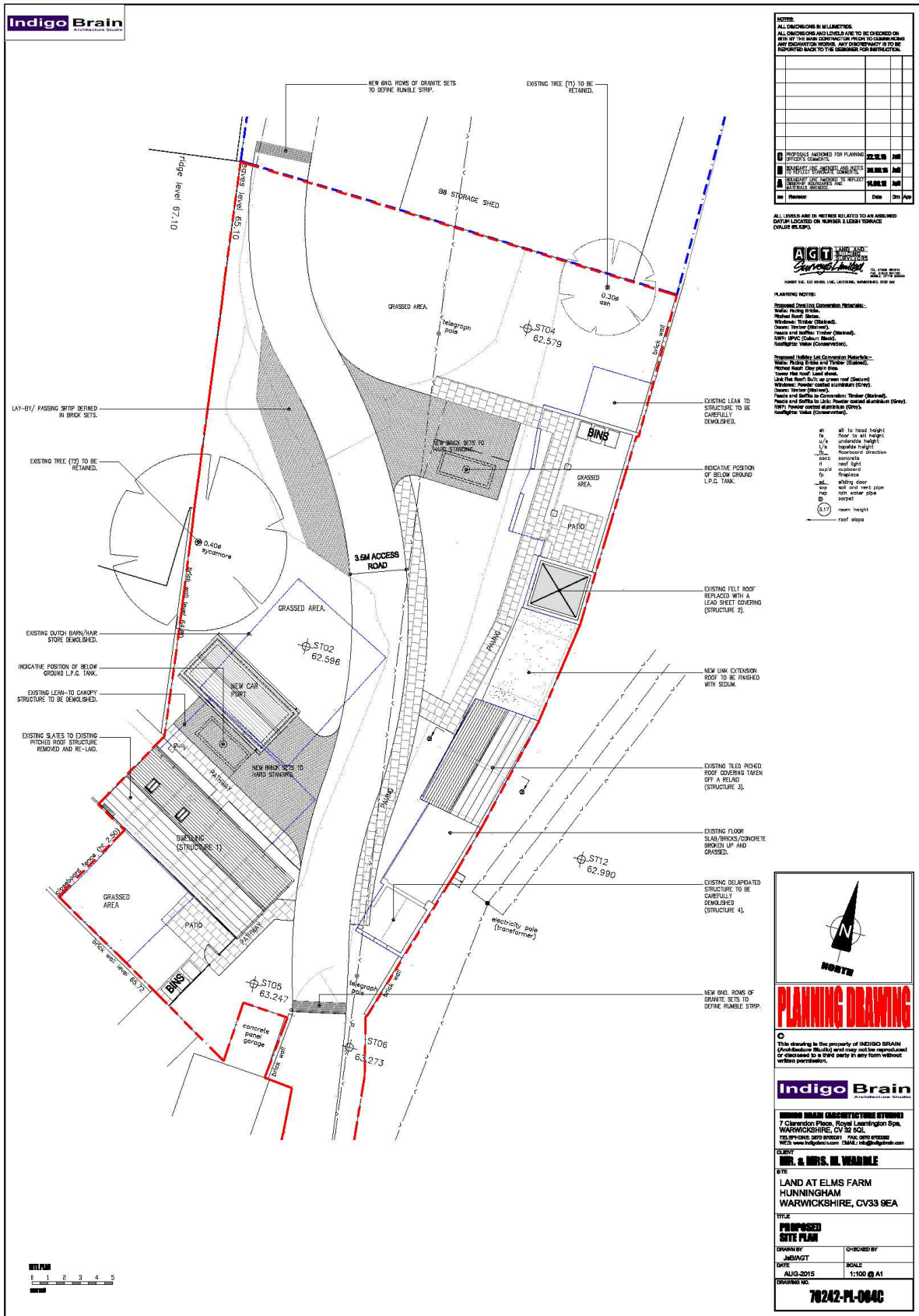


adjacent to a village; (b) the housing meets an identified local need; and, outside of the Limited Growth Villages, the applicant can demonstrate that other uses or a mixed use (where the residential element is subordinate to a business use) are not appropriate or viable. This policy is in accordance with the NPPF, which states that the purpose of the planning system is to contribute to the achievement of sustainable development (para. 6). The NPPF goes on to state that local planning authorities should avoid new isolated homes in the countryside (para. 55). One exception to this is where the development would re-use redundant or disused buildings, but only where this would lead to an enhancement to the immediate setting.

The application site is a small rural Hamlet, not within or adjacent to the built up area of a village, being separated from the town of Royal Leamington Spa by approximately 3 miles of open fields and the village of Weston under Wetherley by 1.5 miles. Furthermore, the roads between the site and the nearest town and village are in the main single track country roads which have no foot way and are subject to national speed limits (60mph). Consequently, it is not considered a safe or attractive walking or cycling route and it is therefore highly unlikely that occupants of the proposed dwelling would walk or cycle the distance into the nearest town or village to use the facilities there. Therefore occupants of the proposed dwellings would be very much car dependent and the proposals would represent an unsustainable form of development that would be contrary to the objectives of the NPPF.

The proposal will result in an unsustainable isolated dwelling and there are no special circumstances to justify approval and the proposal is therefore considered to be contrary to the aforementioned policies.







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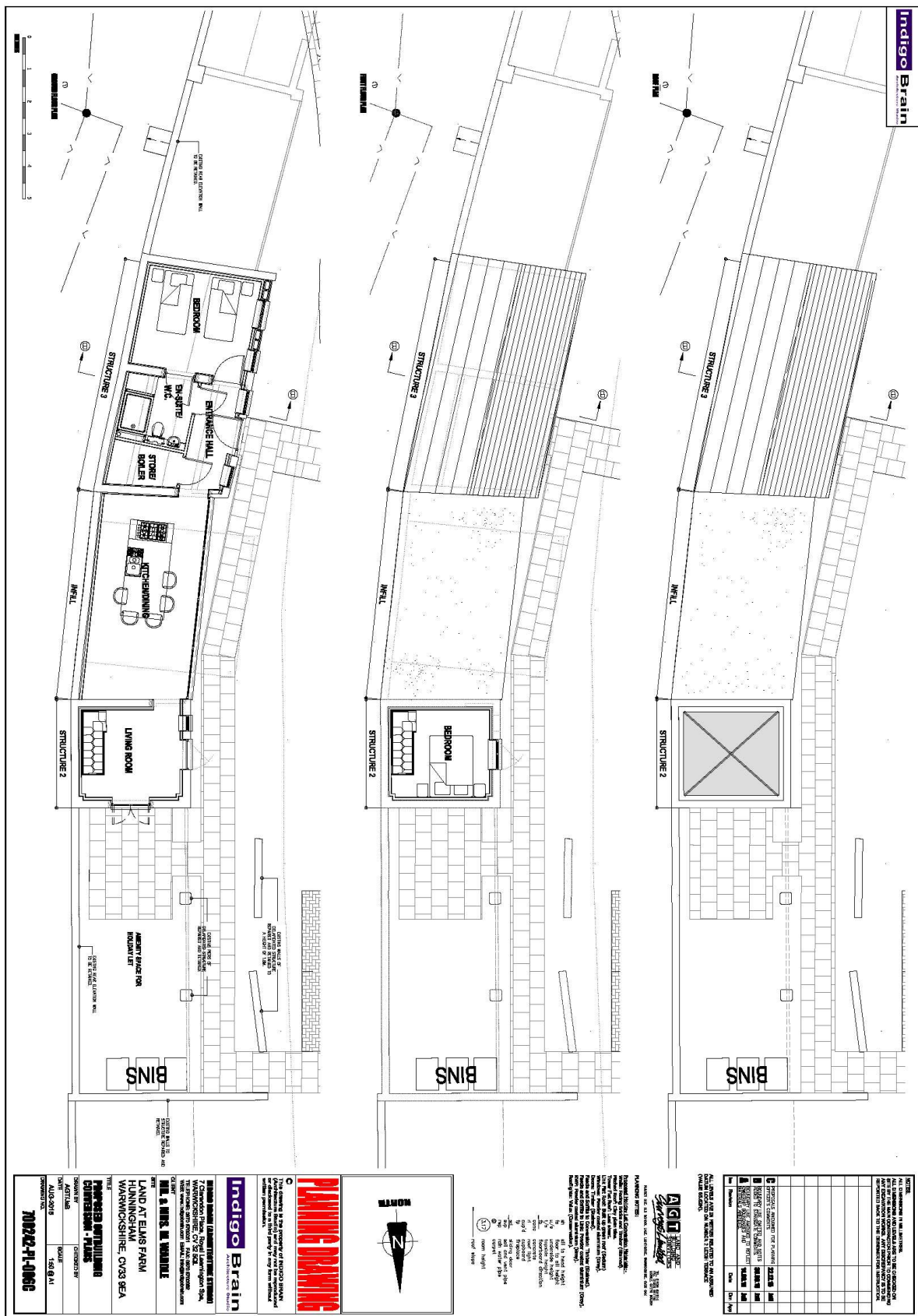
**MR & MRS. M. WOODRILE**  
7 Clarendon Place, Royal Leamington Spa,  
WARWICKSHIRE, CV 32 3SL  
TEL: 01926 3970 0001 FAX: 01926 397002  
WEB: [www.mrswoodrile.co.uk](http://www.mrswoodrile.co.uk) EMAIL: [info@mrswoodrile.co.uk](mailto:info@mrswoodrile.co.uk)  
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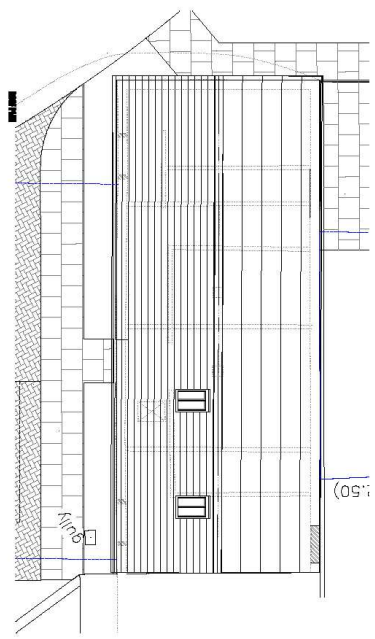
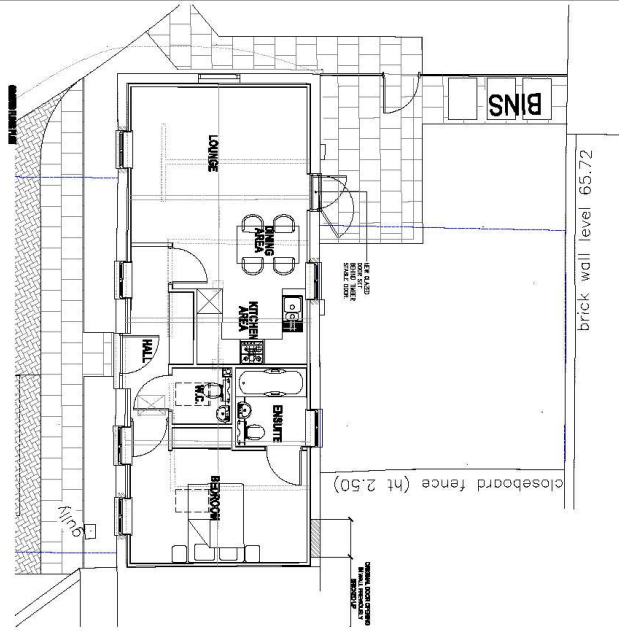
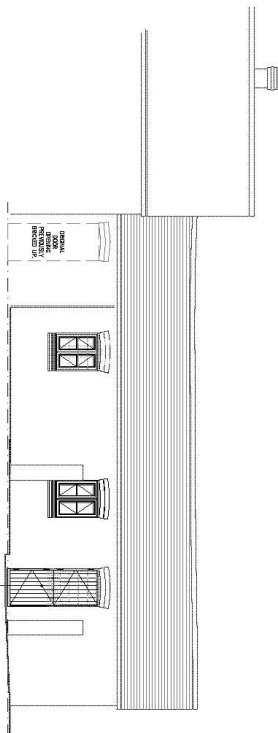
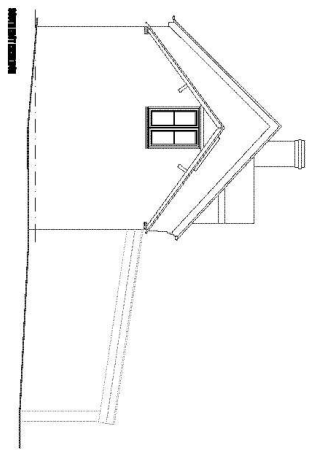
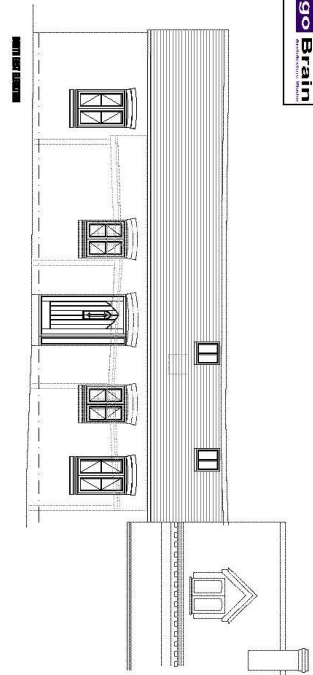
**LAND AT ELMS FARM  
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TITLE	
PAPERED BUILDING COMMISSION - EL PASO	
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AGT/LAB	ROUTE
DATE	1:50 @ A1
AUG-2018	
DRAWING NO.	
70222-PL-007B	







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**70222-PI-0656**



**Planning Committee:** 25 April 2016

**Item Number:** **13**

**Application No:** [W 16 / 0412](#)

**Town/Parish Council:** Hatton

**Case Officer:** Emma Spandley

01926 456533 [emma.spandley@warwickdc.gov.uk](mailto:emma.spandley@warwickdc.gov.uk)

**Registration Date:** 08/03/16

**Expiry Date:** 03/05/16

**The Forge, Hatton Green, Hatton, Warwick, CV35 7LA**

Outline application for the erection of up to 8no. dwellings with all matters reserved except access after demolition of the existing buildings on the site. FOR  
Mrs P Lyons, Sarah Booth, Lucy Rudd

-----

This application is being presented to Committee as the Parish Council supports the application and it is recommended for refusal.

**RECOMMENDATION**

Planning Committee are recommended to REFUSE planning permission.

**DETAILS OF THE DEVELOPMENT**

The application is in outline with all matters reserved, for the erection of 8no. dwellings on the former Hatton car garage site and the rear / side garden of adjacent house called 'The Forge' and the erection of a detached garage for 'The Forge'.

All of the existing buildings within the red line site will be demolished. An indicative plan has been submitted which shows a potential layout. However, the details of siting, design and access do not form part of this application.

**THE SITE AND ITS LOCATION**

The application site contains an existing commercial car garage, which is to the front (west) portion of the site, and the rear / side garden of 'The Forge' a dwelling located the south east of the site. The site is located on a corner plot and wraps round 'The Forge', with the garden area to the east extending past the existing built development located within Starmer Place, to the north; along Hockley Road and further into the Green Belt. There are open fields beyond the eastern boundary of the site.

To the south is 'The Forge' and the Hockley Road. The site is located within the village envelope and is washed over by Green Belt.



## **PLANNING HISTORY**

The planning history relates to extensions and uses of buildings for the commercial part of the site.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS19 - Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

## **SUMMARY OF REPRESENTATIONS**

**Hatton Parish Council:** Support

**Housing & Strategy:** The affordable housing requirement is required to be achieved.

**WCC Landscape:** No objection, landscape details need to take into account of the Warwickshire Landscapes Guidelines. This can be dealt with at the Reserved Matters stage.

**WCC Highways:** No objection to the principle, access and layout are a reserved matters and therefore the concerns of the Highway Authority can be dealt with at the Reserved Matters stage.

**WCC Ecology:** No objection raised, however, requested a habitat survey prior to determination.

**WCC Archaeology:** No objection subject to conditions.

## **Public Response:**

2 objection comments have been received. The concerns raised relate to highway safety; the density of development; loss of employment land and prematurity.

2 comments in support have been received. They support the removal of the garage as it causes issues with parking and highway safety and the housing for young people.

## **ASSESSMENT**

The main issues in the consideration of this application are:

- Housing Land Supply
- The Current Policy Position
- Whether the proposal constitutes appropriate development in the Green Belt, and if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified.
- Scale of Proposed Development:
- Ecology
- Affordable Housing
- Highways and Parking

## **Five Year Housing Supply**

The site is within open countryside within the Green Belt within the small village called Hatton Green, where the relevant Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. The proposals would be contrary to Policy RAP1. However, the National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement.

Whilst significant steps have been made towards meeting a five year housing land supply an analysis of all current information indicates that the District Council are not able to demonstrate a five year supply of deliverable housing sites. As from 31/03/16 the number of years supply has been calculated at 4.69 years.

Accordingly Policy RAP1 is to be considered out-of-date and in these circumstances the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 14), however, footnote 9 lists exemptions to this, with Green Belt land being excluded. The Framework explains that there are three dimensions to the concept of sustainable development: economic, social and environmental.

The scheme will contribute towards helping the Council meet its five year requirement and granting outline permission for this site would increase the supply of land for housing. This carries some weight in the assessment of this

application. While the Council has no control over whether a site will be delivered, it is nevertheless reasonable to assume that a site with planning permission would be deliverable with a realistic prospect that development on this site would be achievable within a five year period.

Therefore the main assessment of this application is, whether, in the absence of a five year supply of housing, any adverse impacts of the proposed development, having particular regard to the effect upon: the Green Belt, the character and appearance of the area, including the setting of the village of Hatton Green, would significantly and demonstrably outweigh the benefits of the scheme.

### **The Current Policy Position**

The current Local Plan covered the period 1996-2011 and therefore makes no provision for future housing needs. This forms the Development Plan, which decisions should be made in accordance with, unless material considerations indicate otherwise. The NPPF is a material consideration, as are other policies under preparation such as the emerging Local Plan. Emerging Local Plan Policy H1 - 'Directing New Housing' indicates Hatton Green as a limited infill village and emerging Policy H11 relates to infill development within villages in the Green Belt to which it is appropriate to attribute some weight.

### **Green Belt**

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. It sets out that there is an objection in principle to inappropriate development within the Green Belt and sets out that exceptions to inappropriate development in the Green Belt includes the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development and / or limited infilling in villages.

The site is located within the village envelope of Hatton Green, however, the site does not conform to the criteria set out within Policy H11 of the Draft Local Plan. Policy H11 of the Draft Local Plan states that limited infilling of no more than 2 dwellings, comprising the infilling of a small gap fronting the public highway between an otherwise largely uninterrupted frontage, which is visible as part of the street scene may be acceptable.

The application is for the entire red line site which includes the residential garden of the adjacent dwelling called 'The Forge' along with the site of the former commercial garage, the latter comprising brownfield land. The garden is to the rear, and extends beyond the properties in Starmer Place to the north of the site, and along Hockley Lane to the east, further encroaching into the Green Belt.

The Parish Council have registered their support for the application, but have not indicated whether or how the dwellings might meet a local need.

Considering the site and proposed development as a totally, it is not considered that the exemptions to inappropriate development apply across the whole site and the proposed erection of 8 dwellings on the site is considered inappropriate development within the Green Belt to which there is an objection in principle and in respect of which no very special circumstances have been identified which would be sufficient to outweigh the harm to the Green Belt.

### **The Scale of Proposed Development**

The extent of the site and the nature of the proposal is such that in general terms it is considered that the development proposed could satisfactorily be accommodated within the site.

### **Ecology**

The proposed development will impact on a mature garden consisting of trees, shrubs and grassland. Owing to the potential of protected species to be present on site, WCC Ecology recommend that a Preliminary Ecological Appraisal is carried out by a qualified ecologist prior to determination of the application. All trees on site should be assessed for roosting bats and the site should be assessed for nesting birds, badger, amphibians and reptiles.

However, the application is in outline and the principle of the development is not considered acceptable. It was not therefore considered reasonable to request that a detailed survey be undertaken in such circumstances.

Ecology also require further bat activity survey work to be done prior to commencement, and this could be controlled by a suitably worded condition.

### **Affordable Housing**

The site is of sufficient size to engage Local Plan policy SC11 which requires a minimum of 40% affordable housing on sites of three or more dwellings within rural areas and policy H2 of the publication draft Local Plan where the threshold is five or more dwellings.

In accordance with policy a total of three of the dwellings will need to comprise affordable housing. The Planning Statement submitted with the application gives a clear and welcome commitment to provide 40% affordable housing within the development but does not specify how many dwellings this will be. The requirements for the affordable housing are required to be secured by a S106 Agreement and no heads of terms of such an agreement have been submitted with the application.

### **Highways and Parking**

The indicative site layout shows each property to have the required number of off road car parking spaces, therefore the proposals could accommodate the parking required. The Highways Authority raise no objection in principle to the

development of the site for 8 no. houses and are satisfied that the details of the proposed access can be addressed at the Reserved Matters stage.

## **SUMMARY/CONCLUSION**

The application is in outline with all matters reserved therefore the only consideration of the application is whether the erection of 8no. houses is acceptable in principle. The site comprises part of an existing commercial site and part residential garden. Whilst the application site is located within the village envelope and includes a previously developed site, the extent and nature of the proposal is such that it could not be reasonably considered to comprise limited infilling or solely relate to the redevelopment of an existing brownfield site.

Whilst the benefits of the scheme in providing additional housing within the District carry weight, it is not considered that such benefits comprise very special circumstances sufficient to outweigh the objection in principle to the proposals by way of inappropriateness within the Green Belt.

## **REFUSAL REASONS**

- 1 The proposed development by reason of its location, nature and extent comprises inappropriate development within the Green Belt in respect of which no very special circumstances have been demonstrated sufficient to outweigh that objection in principle. Further it has not been demonstrated that the development would not impact upon any ecological interest that may exist at the site to an unacceptable level or that the required level of affordable housing will be delivered as part of the development.

The proposed development would therefore be contrary to the National Planning Policy Framework and to the following Local Plan policies:-

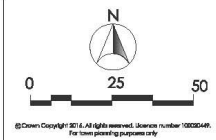
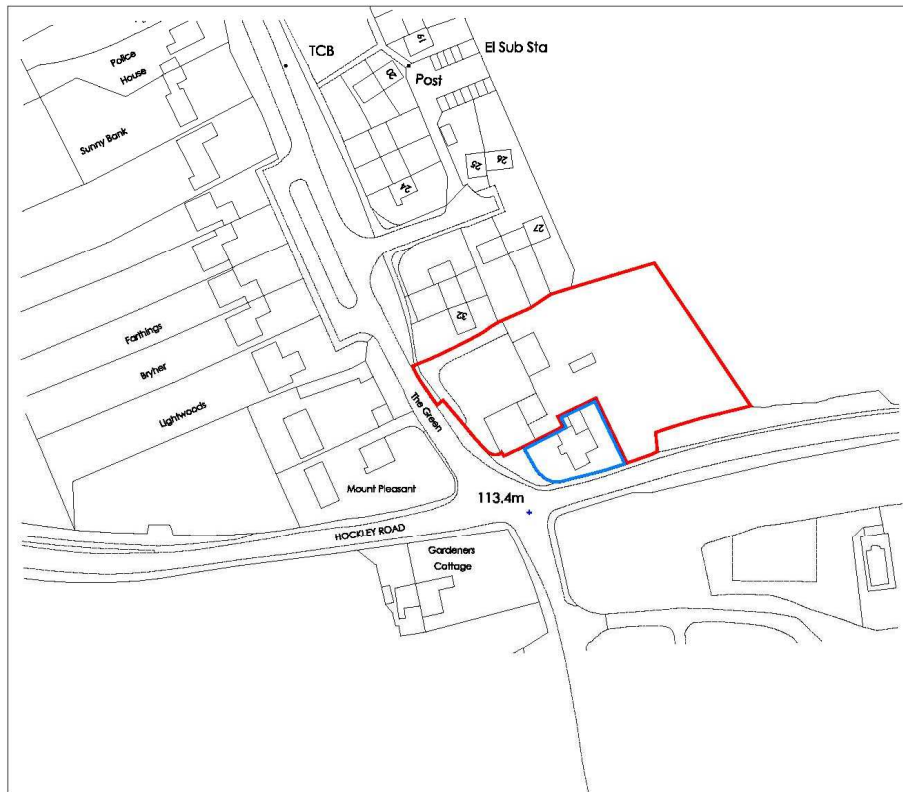
### The Warwick District Local Plan 1996 - 2011

- Policy DAP 3: Protecting Nature Conservation and Geology
- Policy RAP4: Providing Rural Affordable Housing

### The Emerging Warwick District Local Plan 2011 - 2029

- Policy H2: Affordable Housing
- Policy NE3: Biodiversity
- Policy DS19: Green Belt

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Project  
The Forge  
The Green  
Haddon  
Client  
Mrs Pam Lyons  
Scale  
1:1250 @ A4  
Date  
01-2016

Drawing Ref:  
7737-100 Rev A  
Drawing Title:  
Location Plan

**stansgate**  
LANDSCAPE  
9 The Courtyard, Thornhill, Beagle Road  
Barnet, London, NW4 7BP  
Tel: 01753 444007  
www.stansgate.co.uk  
info@stansgate.co.uk



**Planning Committee:** 25 April 2016

**Item Number: 14**

**Application No:** [W 16 / 0448](#)

**Town/Parish Council:** Leamington Spa

**Case Officer:** Jo Hogarth

01926 456534 jo.hogarth@warwickdc.gov.uk

**Registration Date:** 09/03/16

**Expiry Date:** 04/05/16

**Units 1 to 3, St Marys Road, Leamington Spa, CV31 1PZ**

Retrospective change of use of premises from industrial/storage to the storage and distribution of tiles; display of tiles and trade and retail sales counter. FOR Miles of Tiles (Midlands) Ltd

-----

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

**RECOMMENDATION**

Planning Committee are recommended to grant planning permission subject to the conditions listed.

**DETAILS OF THE DEVELOPMENT**

The proposal is retrospective for the change of use from industrial / storage use to use for the storage and distribution of tiles, display area and trade / customer sales. The premises are open between the hours and days of:

Monday – Friday: 08:00AM – 17:30PM

Thursday: 08:00AM – 20:00PM

Saturday: 09:00AM – 17:00PM

Sunday: Closed

Bank Holidays: 10:00AM – 16:00PM

The use began approximately 6 months ago when the company moved out of their premises in Alveston Place following the approval of a housing scheme on that site. The ratio of the storage and sales of tiles / bathroom fittings to trade counter/public area is approximately 20%.

**THE SITE AND ITS LOCATION**

The proposal relates to a substantial building situated on the corner of St Mary's Road and the service road which runs along the side of the building and forms the west boundary of the site. There is a service yard to the rear which backs onto properties in Farm View, the nearest of which is approximately 22 metres away. The building measures 28 metres by 32.5 metres and has an eaves height of 4.5 metres with the ridgeline measuring 7 metres. The building has been constructed of a mix of cladding and brickwork with upvc glazed windows.



## **PLANNING HISTORY**

The site used to be occupied by 'Power Drive' who were responsible for the manufacturing of car engines, gear boxes, brakes, clutches, sprockets and associated car fan/cam belts. They vacated the premises approximately two years ago.

The planning history for the site dates back to the early 1970's when planning permission was granted for warehouses and factory units on this part of Sydenham. There have been applications submitted for extensions; however none of them are recent. (1980's).

In 2015 (ref: W/15/0797) an application was withdrawn for a change of use, similar to that which is being proposed now, however it included a far larger range of displays and sales area and also had a coffee shop.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

## **SUMMARY OF REPRESENTATIONS**

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

**Cllr Colin Quinney:** Supports the application and requests that the application is considered by planning committee if minded to recommend refusal.

**WCC Highways:** (previous comments): No objection subject to restrictions of the use to that proposed.

**WDC Environmental Health:** No objection subject to conditions on delivery restrictions and hours of opening.

**Public response:**

8 letters of objection on the grounds of pollution, traffic volume and noise which will be created; because this is not a retail but warehousing area; the change of use will disrupt weekends and privacy; and deliveries and fork lift trucks operate at 7.30am.

5 letters of support as they have been trading for 5 months and have not noticed a change in traffic or noise flow.

**ASSESSMENT**

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

- Principle of the change of use
- The impact on nearby residents
- Car parking and highways
- Renewables
- Health and Wellbeing

**Principle of the change of use**

Policy SC2 in the Local Plan seeks to protect employment land and buildings.

Whilst the current use of the building does not fall specifically within Class B1, B2 or B8, this is considered to be a quasi-employment use which is commonly found in employment areas. The applicant has provided details of other sites that they considered and has demonstrated why they were not suitable.

A service counter area and area wherein the public can visit has been identified and hatched on the layout plan. It is considered appropriate in this instance to condition this area and restrict the hatched portion to members of the public only and for the remainder of the building to be utilised as warehouse and storage with a section of the upper floor mezzanine as a staff office and storage.

Given the limited area for public trading, the use of the building is considered to be acceptable and does not undermine the intentions of Policy SC2 in that the majority of the building is within Class B8.

**The impact on nearby dwellings**

With respect to the relationship between the site and nearby properties, particularly those in Farm View, this area is a long established industrial estate. Environmental Health have commented and raise no objection subject to conditions. Those conditions relate specifically to deliveries, both incoming and outgoing and the times at which these can take place. Furthermore, a condition to restrict opening times to those which are currently operating on site is

suggested. Suitably worded conditions are considered to be appropriate which would protect occupiers of nearby dwellings from unacceptable noise and disturbance, in accordance with Policy DP9 in the Local Plan.

### **Car Parking and highways**

No objection has been raised from Highways on the previous application, subject to a personal permission; however it is considered that a personal permission is not appropriate in this particular instance and therefore a condition restricting the use to that proposed is considered to be more suitable. Applying a condition restricting the use would alleviate Highway concerns that a different use could result in the generation of a greater level of vehicle movements. This approach has been agreed with Highways.

With regards to the parking requirement for this trade counter / retail area and storage warehouse, in calculating the ratio for each element, to meet the requirements set out in the Council's adopted Vehicle Parking Standards SPD, the proposal would need to provide 18 off street parking spaces. There is more than adequate facilities to provide this within the site curtilage in addition to a substantial area to the rear to allow for vehicles to turn, ensuring that exiting the site is in a forward gear. The location of the building is such that it is not a thoroughfare and therefore there would be no conflict between road users, thus satisfying the requirements set out in Policies DP6 and DP8 in the Local Plan.

### **Renewable Energy**

In light of the ratio between the trade counter and storage / warehousing it is considered inappropriate to attach a condition requiring the use of renewable technologies as it is considered that this use is not so dissimilar to the previous use in so far as the energy requirement. As such the scheme is considered to adhere to the advice contained in the Council's adopted SPD on Sustainable Buildings and to the objectives of Policy DP13 in the Local Plan.

### **Ecological Impact**

There are no ecological impacts associated with this application.

### **Health and Wellbeing**

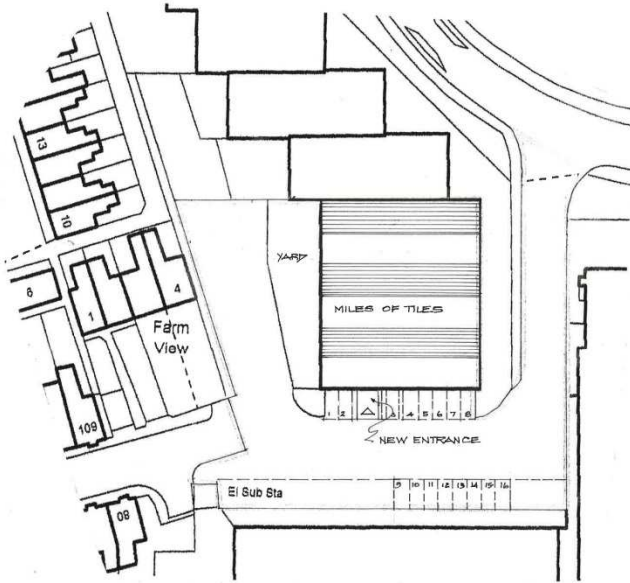
There are no significant impacts associated with health and wellbeing regarding this application.

### **SUMMARY/CONCLUSION**

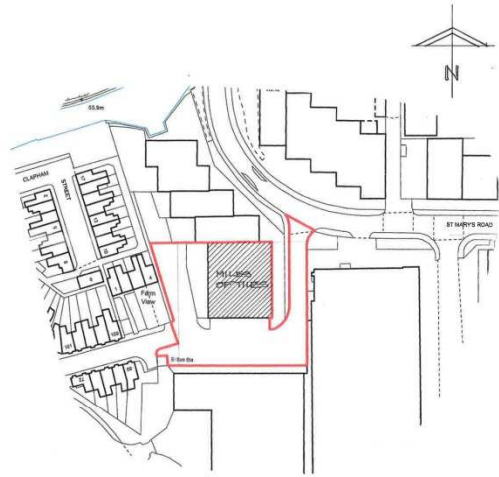
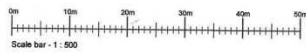
The application is considered to be acceptable and subject to suitable conditions is unlikely to result in detrimental harm to nearby residents or other users of this estate such that would justify a refusal. The application is thereby considered to meet the criteria set out in the Local Plan Policies listed.

## **CONDITIONS**

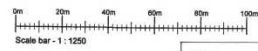
- 1 The development hereby permitted shall relate strictly to the details shown on the site location plan and approved drawing number 5279.03 Rev D and specification contained therein, submitted on 13 April 2016. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
  - 2 The area shown hatched on drawing number 5279.03 Rev D only shall be made accessible to customers and for the avoidance of doubt the remainder of the building shall only be used for storage and distribution purposes in a manner which does not include the display of goods for sale and is not accessible to customers. **REASON:** To allow a retail unit on this industrial estate would conflict with the objectives of Policy SC2 of the Warwick District Local Plan 1996-2011 which seeks to protect employment land and buildings.
  - 3 No delivery vehicles (incoming or outgoing) shall enter or leave the site between 17:00pm and 07:30am Monday to Friday, before 08:00am or after 12 noon on Saturdays and there shall be no deliveries to the site (incoming or outgoing) on Sundays or Bank Holidays. **REASON:** In the interests of nearby residents and to comply with the requirements of Policies DP2 and DP9 in the Warwick District Local Plan 1996-2011.
  - 4 The premises shall only be open to customers between Monday to Wednesday: 08:00 - 17:30, Thursday 08:00 - 20:00, Friday 08:00 - 17:30, Saturday 09:00-17:00, Bank Holidays 10:00-16:00. They shall not be open to customers on Sundays. **REASON:** In the interests of nearby residents and to comply with the requirements of Policies DP2 and DP9 in the Warwick District Local Plan 1996-2011.
  - 5 The car parking and turning areas associated with the building shall be maintained and kept from obstruction at all times. **REASON:** To ensure that there is adequate parking and manoeuvring space available in accordance with Policy DP8 in the Warwick District Local Plan 1996-2011.
-



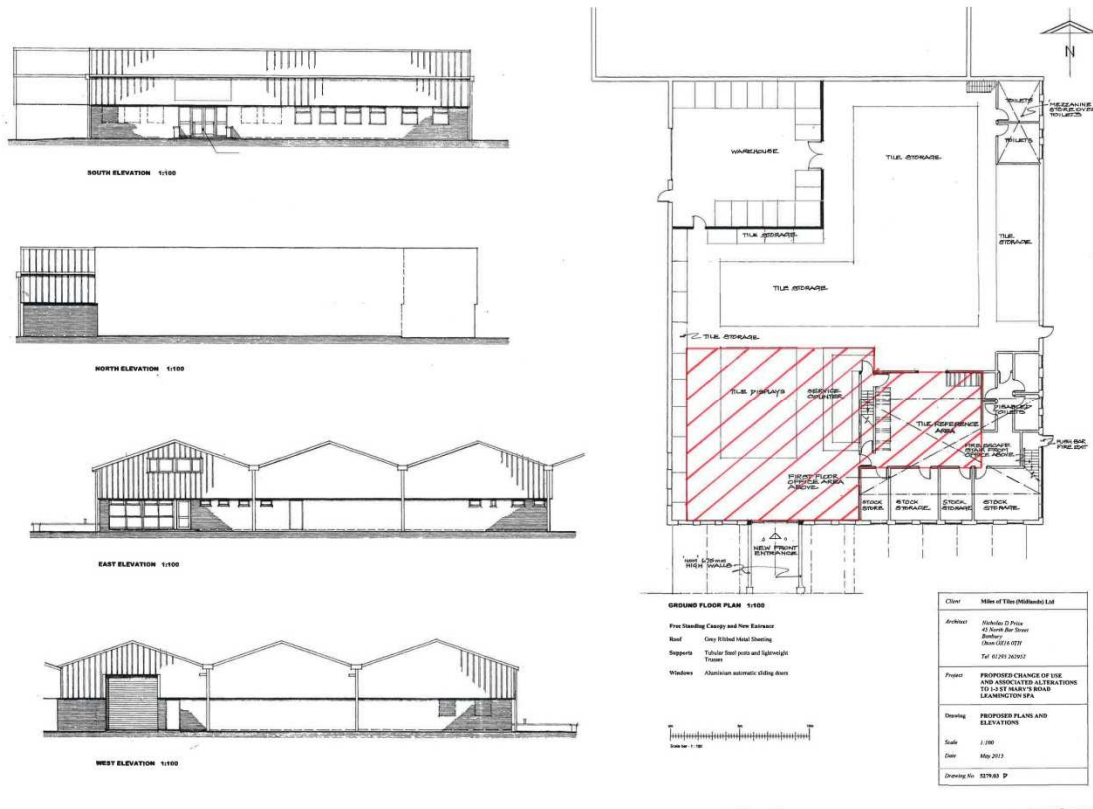
BLOCK PLAN 1: 500



SITE LOCATION PLAN 1 : 1250



Client	Miles of Tiles (Millshead) Ltd
Architect	Nicholas D Price 45 North Star Street Banbury Oxon OX16 0TH Tel 01295 262952
Project	PROPOSED CHANGE OF USE AND ASSOCIATED ALTERATIONS TO 1-3 ST MARY'S ROAD LEAMINGTON SPA
Drawing	LOCATION PLAN AND BLOCK PLAN
Scale	1:1250, 1:500
Date	May 2013
Drawing No	5279.01 B



**Planning Committee:** 25 April 2016

**Item Number:** **15**

**Application No:** [W 16 / 0457](#)

**Town/Parish Council:** Warwick  
**Case Officer:** Emma Spandley  
01926 456533 emma.spandley@warwickdc.gov.uk

**Registration Date:** 08/03/16

**Expiry Date:** 03/05/16

**98 Bridge End, Warwick, CV34 6PD**

Erection of a two storey and single storey rear extension; bay window to the front elevation and new pitched roof to garage (resubmission of application ref: W/15/0501) FOR Mr & Mrs Grey

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

**RECOMMENDATION**

Planning Committee are recommended to grant planning permission, subject to the conditions listed below.

**DETAILS OF THE DEVELOPMENT**

The application seeks permission to erect a bay window to the front elevation; a mono pitched roof over the existing garage and to extend the garage to the rear at single storey, and also erect a two storey rear extension across the full width of the existing house.

**THE SITE AND ITS LOCATION**

The application site is located within the Warwick Conservation Area. Warwick Castle is sited to the west across the River Avon, with views to Castle Park being afforded to the south. Castle Park is a Grade I Registered Park and Garden. The Council has produced a Conservation Statement for Bridge End (Area 3) which sets out the character and appearance of this part of the Conservation Area. It states that this is a largely residential area, which takes the form of a curved street fronted by terraced runs of dwellings, and later, more modern infill property generally two storeys in height. The street's special quality is characterised by its whole visual quality, rather than any individual building although Warwick Castle and the Castle Park forms a significant and dramatic backdrop. There are some 32 listed buildings within the area.

The application property is located on the south side of Bridge End with the rear garden abutting the boundary with Castle Park. The property is a two storey, 1960's detached dwelling, with rooms in the roof and a single storey flat roofed double garage to the western side. The property is not listed.

## **PLANNING HISTORY**

W/14/0737 & W/14/1153 - Demolition of the existing house and the erection of a replacement detached dwelling - withdrawn.

W/14/1555 - Demolition of the existing house and the erection of a replacement detached dwelling - refused. Subsequent appeal dismissed.

W/15/2029 - Demolition of the existing house and the erection of a replacement detached dwelling - withdrawn

W/15/0501 - Erection of two storey rear extension, first floor side extension and raising part of existing ridge height by 1.0 metre - refused.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)



## **SUMMARY OF REPRESENTATIONS**

**Historic England:** No objection.

**WCC Ecology:** No objection, subject to conditions.

**Public Response:** 7 letters of objection have been received, on grounds of:

- Impact on Castle Park
- Impact on Grade II Listed Building No.107 Bridge End
- Impact on the setting of the Conservation Area
- Impact on the living conditions of the occupiers of Nos.100 & 96 Bridge End by reason of loss of light and overshadowing. The 25 degree sightline should be used.
- The extensions are not subservient to the main house and therefore do not respect the scale of the existing house

## **ASSESSMENT**

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

- Design and the impact on the character and appearance of the Conservation Area and the setting of Listed Buildings
- Impact on the living conditions of the occupiers of neighbouring properties
- Parking and highway safety
- Trees
- Renewables

### The impact on the character and appearance of the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 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. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 132 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 134 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 DP1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design. Policy DAP4 states that development will not be permitted that will adversely affect the setting of a Listed Building. Policy DAP8 seeks to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas and states that development will be expected to respect the setting and important views both in and out of them.

The Bridge Street/ Bridge End area forms part of the Warwick Conservation Area. The area has ancient origins, as a suburb of the medieval town. The application property is a modern infill development, which does not in itself, make a positive contribution to the character and appearance of the Conservation Area.

In dismissing the previous appeal for a replacement dwelling, the Inspector noted that the setting of No.107, a Grade II Listed Building, extended to a large area and includes the application property. The previous permission sought to replace the existing house by increasing the ridge height by 1 metres, and to infill the section above the existing garage. The Inspector stated that the gap between No.100 and the application property at first floor needed to be retained as it allows for views from within the Warwick Conservation Area towards the south and allows for the perception of a gap between No.98 and the adjacent property. The Inspector also noted that the application site has a large back garden, extending to a post and rail fence that borders the Grade I listed Warwick Castle Park and Garden.

Specifically the Inspector said:-

*'Whilst the rear elevation of the proposal would be substantial, with an abundance of glazing, due to the separation distance between the property and the Park I do not consider that the proposal would have an adverse effect on the setting of this heritage asset. I also note in this respect the presence of several modern buildings significantly closer to the Park in the vicinity of the appeal site, and that, in contrast to the front elevation and its relationship with No 107, the proposed dwelling would be set at a similar level to the Park and Garden.'*

The current application proposes to extend the existing house rather than replace it. Specifically, it is proposed to add a bay window to the front elevation; a pitched roof over the existing garage; to extend at single storey to the rear of the garage and then erect a 2 storey rear extension.

The pitched roof to the existing garage will retain the gap between the application property and No.100 Bridge End as advised by the Inspector. Furthermore, the extensions will be to the rear, where, in dismissing the previous application for a replacement house, the Inspector did not raise any concerns with regards to the bulk and massing of the proposed house to the rear and considered that due to the distance from Castle Park it would not have a detrimental impact on the Grade I listed park and garden, Grade II listed house (107) or the Conservation Area.

The proposed extensions are to the rear of the property and whilst the objection comments are noted, in line with the Inspector's decision on the previous appeal, which is a material planning consideration to which significant weight must be attributed, it is considered that the bulk and massing of the proposed extensions will not have a detrimental impact on the setting of Grade 1 Castle Park and Gardens; Grade II, 107 Bridge End or the Warwick Conservation Area.

### The impact on neighbouring properties

The objection comments from the neighbouring property with regards from which windows the 45 degree sightline should be taken from are noted. The Residential Design Guide SPG and the 45 Degree Line SPG state that, in the consideration of two storey extensions, the line is taken from the quarter point of the nearest habitable ground floor window and the midpoint of the nearest first floor habitable room window.

The SPG makes it clear that habitable rooms are considered to be kitchens, bedrooms, dining rooms, studies etc. The occupiers of the neighbouring property consider their laundry room to be a habitable room. However, laundry or utility rooms are not considered to be habitable rooms as they are not spaces where significant time is spent and where amenity is considered to be a material consideration. Therefore, the proposed extensions will not breach the 45 degree line taken from the rear windows of the neighbouring dwellings and the proposal will not result in material harm to the living conditions of the neighbouring properties by reason of loss of light or outlook.

### The impact on highways and parking

The Highway Authority, on the previous application for a replacement house did not raise any objections. There is an area of sufficient size which can accommodate 2+ vehicles off road safely and the proposal therefore accords with Policy DP8 and the associated SPD.

### Renewables

A renewables scheme has not been submitted, however, contained within a letter the applicant states that they will adopt a fabric first approach. This can be secured by a suitably worded condition. The proposal is therefore considered to accord with Policy DP13 and the associated SPD.

### Trees

There is an Oak tree located within the front garden which makes a positive contribution to the amenity of the area. The tree is proposed to be retained and the Council's Tree Consultant is happy that this can be controlled by a suitably worded condition. As the tree is already protected by virtue of being located within a Conservation Area, it is not considered that a TPO is required at this time.

## **SUMMARY/CONCLUSION**

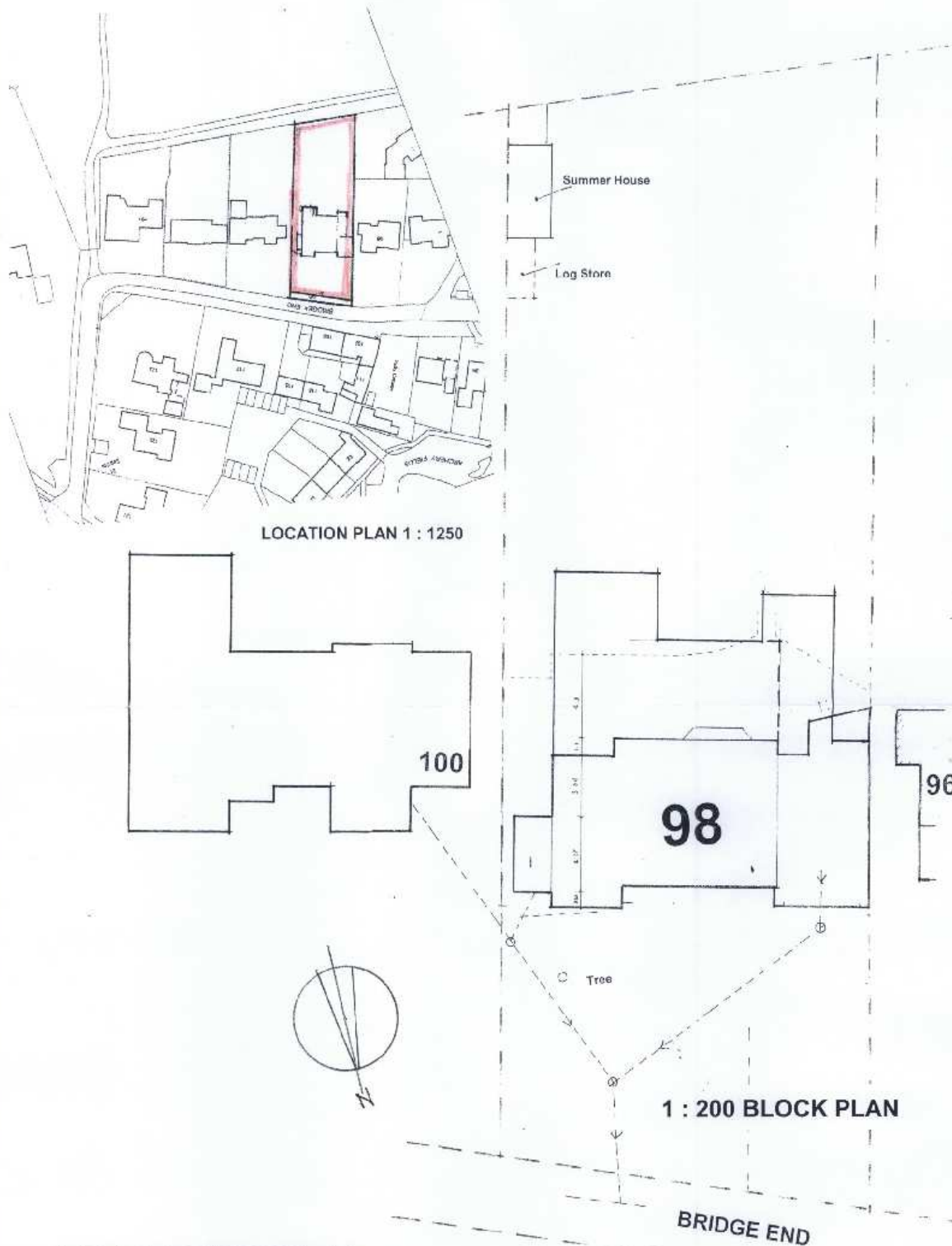
The proposed extensions will not harm the setting of a Grade I Registered Park and Garden; a Grade II listed building, the Warwick Conservation Area by reason of its design, massing and bulk and therefore will not introduce an incongruous feature in the street scene. The proposed extensions will also not cause demonstrable harm to the living conditions of the occupiers of the neighbouring properties through increased visual intrusion or loss of light.

## **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) 2016-1504-59A; 2016-1504-60A; 2016-1504-61; 2016-1504-62; 2016-1504-63; 2016-1504-64, and specification contained therein, submitted on 8th March 2016. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **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 DP1 of the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall not commence on the site unless and until details of the foundations and other sub-ground level works have been submitted to and approved in writing by the local planning authority and the development shall only be carried out in strict conformity with the approved details. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
- 6 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of

any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone ( whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 7 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 without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, 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 with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. 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 DP1; DP3 and DAP8 of the Warwick District Local Plan 1996-2011.



**AS PROPOSED**

Laurie Day Design Group, Architects.  
25 THORNTON ST WARWICK CV34 6DP TEL WARWICK 01926 410001

PROPOSED REPLACEMENT 3 STOREY DWELLING  
98 BRIDGE END WARWICK CV34 6PD  
Mr & Mrs J Grey

Drawing 2015-1504-42 A  
September 2015



**NORTH ELEVATION**



**SOUTH ELEVATION**

**PROPOSED EXTENSION TO EXISTING 3 STOREY DWELLING - 98 BRIDGE END WARWICK CV34 6PD**

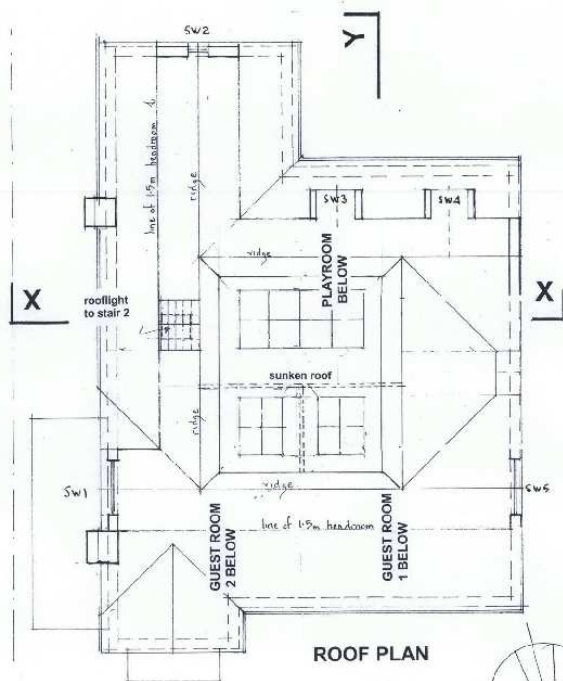
**Lauris Day Design Group Architects.**  
12 THEATRE ST WARWICK CV34 6PD TEL: 01926 210081

Drawing 2016-1504 63  
February 2016 scale 1 : 100 @ A3



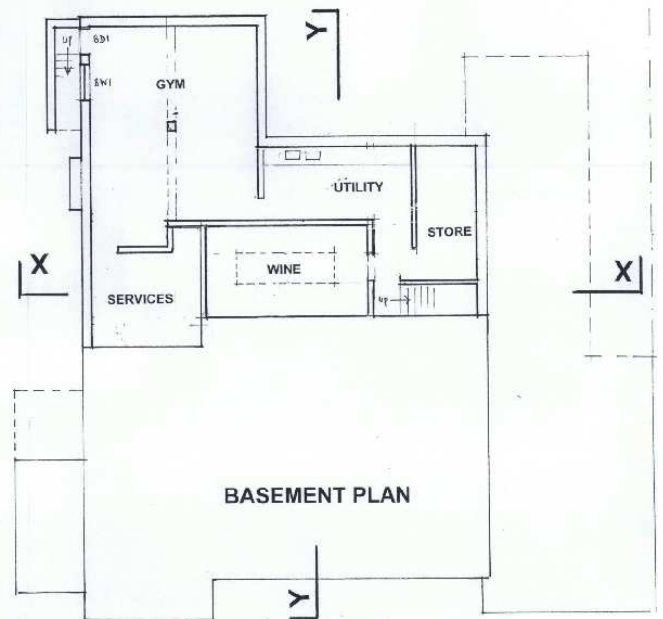






ROOF PLAN

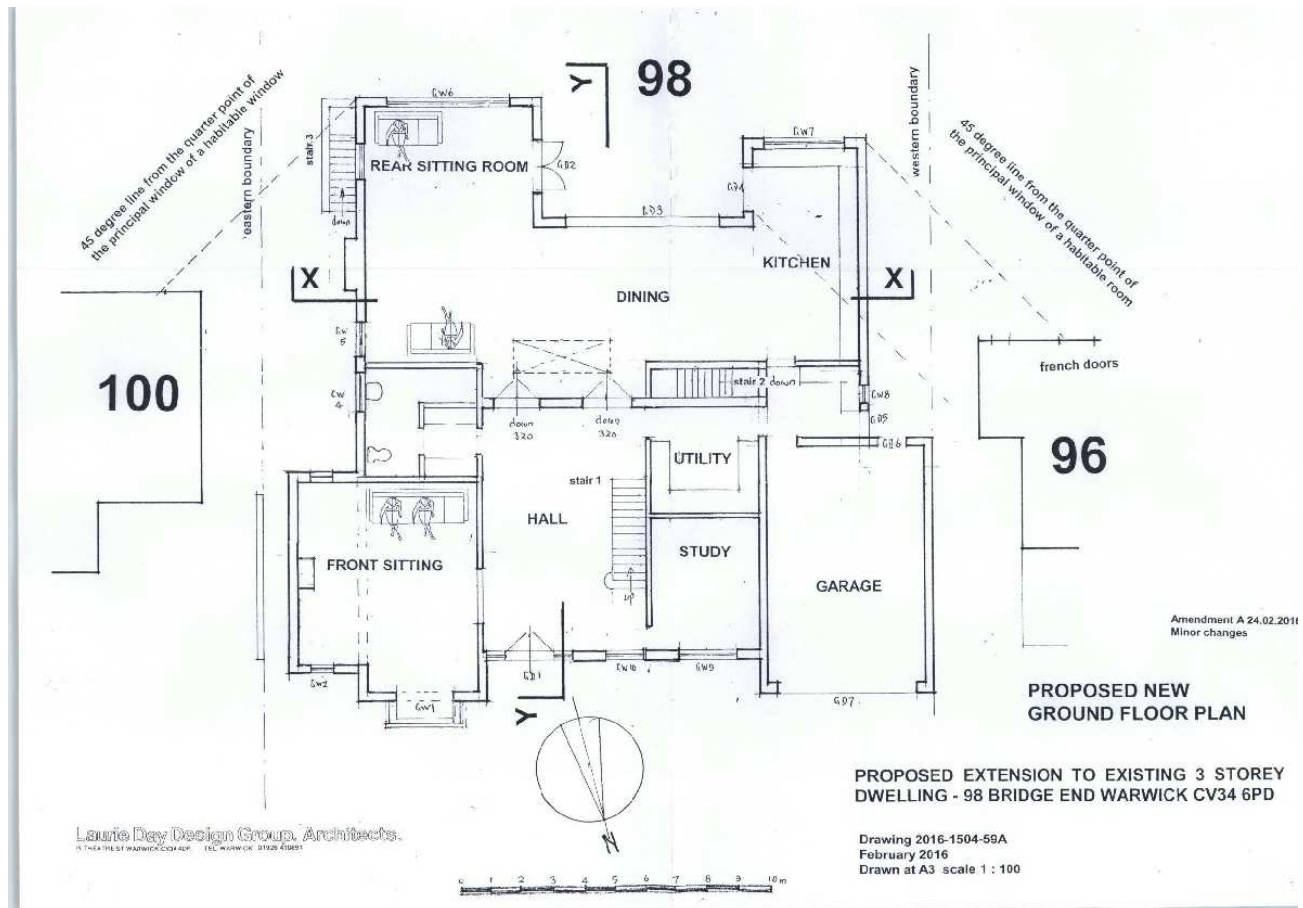
Laurie Day Design Group Architects  
15 THEATRE ST WARWICK CV34 6PD TEL: 01926 410011



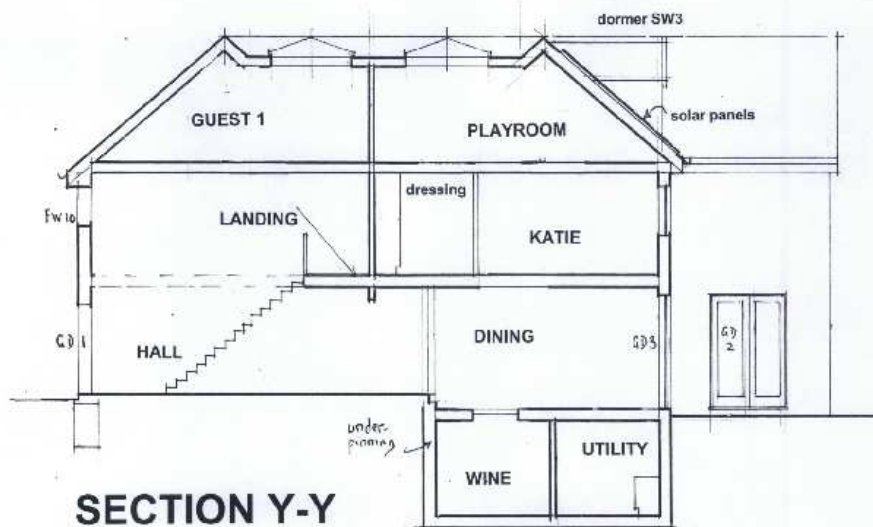
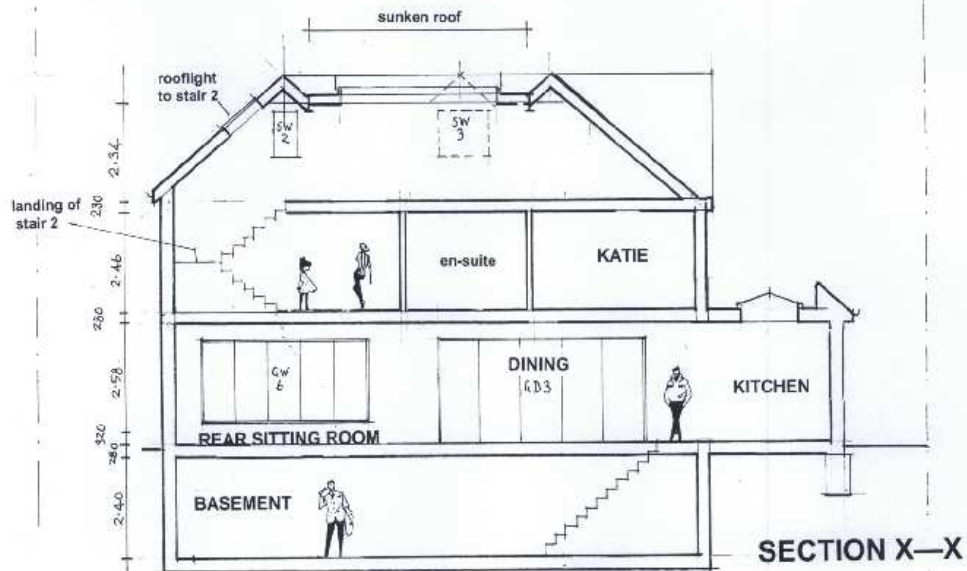
BASEMENT PLAN

PROPOSED EXTENSION TO EXISTING 3 STOREY  
DWELLING - 98 BRIDGE END WARWICK CV34 6PD

Drawing 2016-1504- 61  
February 2016  
Drawn at A3 scale 1 : 100







PROPOSED EXTENSION TO EXISTING 3 STOREY  
DWELLING - 98 BRIDGE END WARWICK CV34 6PD

Drawing 2016-1504-62  
February 2016  
Drawn at A3 scale 1 : 100



**Planning Committee:** 25 April 2016

**Item Number:** **16**

**Application No:** TPO 503

**Town/Parish Council:** Royal Leamington Spa

**Case Officer:** Rajinder Lalli

**Registration Date:**

**Expiry Date:**

7 Castle Street, Warwick, CV34 4BP

Confirmation of Provisional Tree Preservation Order relating to 1 Ash Tree

-----  
This Tree Preservation Order (TPO) is being presented to Committee because an objection has been received to it being confirmed

### **RECOMMENDATION**

Planning Committee is recommended to authorise officers to confirm TPO 503 without modification.

### **BACKGROUND**

An application to fell the tree was received on 30<sup>th</sup> November 2015.

### **ASSESSMENT**

The Ash tree sits within the Warwick Conservation Area. It has a well-developed open canopy which is highly visible from Church Lane and Church Street as well as other vantage points within the area. The Ash tree is positioned between the grounds of Warwick Castle and Warwick town centre, in a historic and prominent position. The tree makes a positive contribution to the amenity of this part of Warwick, by reason of its size, height, shape and unique character within the wider area.

The tree is of fair condition, with a well-balanced open crown. It is estimated the tree is about 80 years old and just over half its lifespan.

### **OBJECTION**

The Council received an objection to the making of the Order dated 22<sup>nd</sup> January 2016 from a resident which is summarised below:-

1. The visibility of the tree is limited to Castle Lane and Castle Street and cannot be seen from Church Street.
2. The tree was originally part of the Castle environs; it was originally part of the Castle Stable-block yard and came to be part of 7 Castle Street much later. Therefore, it's impact is seen along with surrounding trees. The main impact of the tree is principally on the surrounding residents and Grade I & II listed properties.

3. There is greater 'fall out' from the tree and the decision to fell was carefully considered following branch fall from the high winds in November 2015.
4. The tree is surrounded by properties and is too large in its location. The canopy spreads over these properties and they are at risk from branch fall.

### **KEY ISSUES**

The key issues to be addressed in deciding whether or not to confirm the Tree Preservation Order are whether the tree is of sufficient amenity importance to justify a TPO, and whether the public benefit afforded by the tree outweighs any private inconvenience experienced by individuals because of the tree.

As set out in the introduction, the tree is considered to be of significant amenity value within the surrounding area.

The objector comments that there are limited views of the Ash, however officers consider that it is widely visible from various vantage points and this includes Church Street.

The objector comments the Ash should be seen within its wider context.

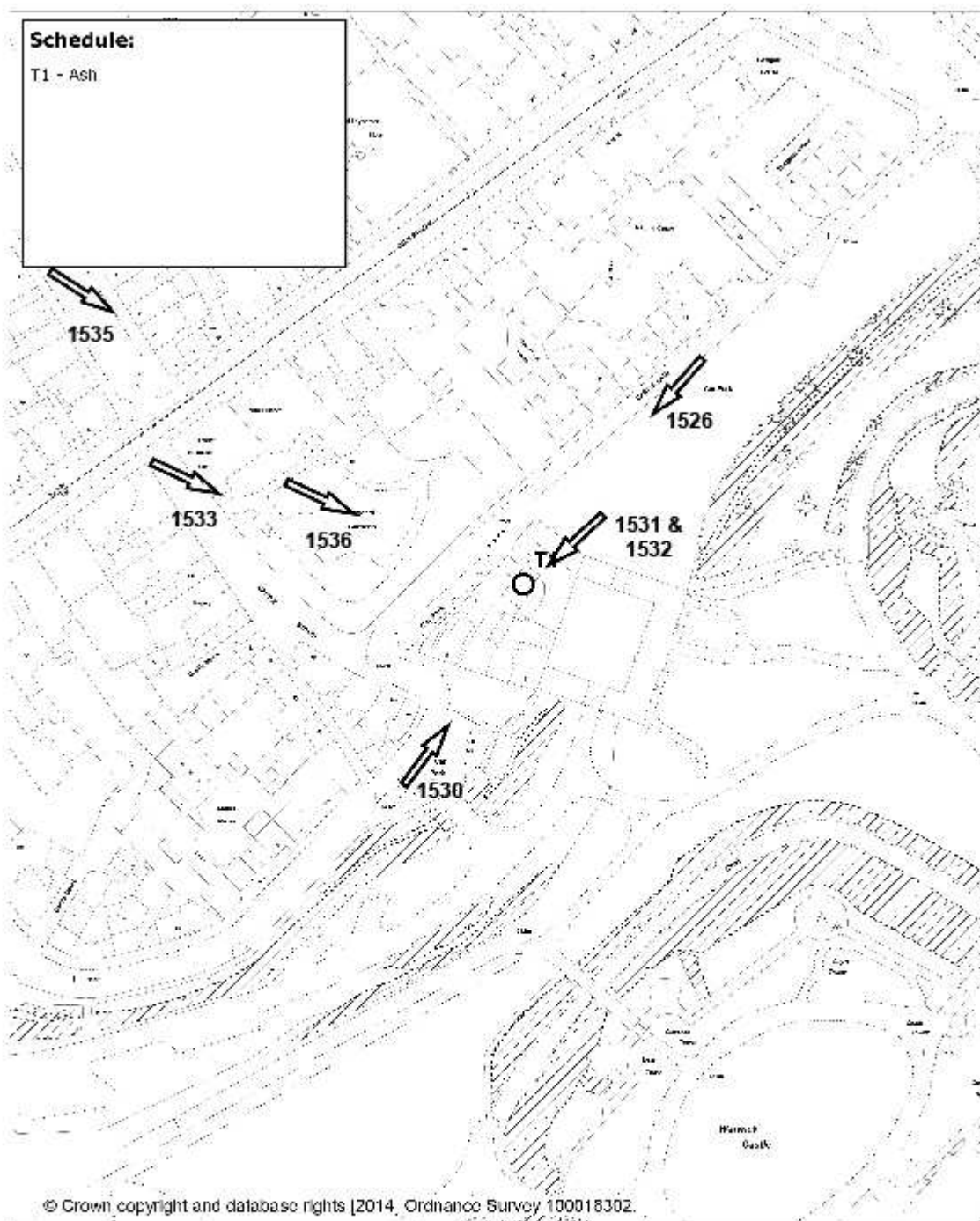
The Council considers the tree to have a significant individual amenity value given its position between the ground of Warwick Castle and the Town Castle and therefore viewed by many.

The objector considers there to be a risk to properties within the immediate vicinity of the tree from branch fall.

There is no evidence to suggest that the health or age of the tree is such that there is significant risk of failure. Legislation does not prevent removal of dead wood from the tree and should any potential issues arise in the future, all proposed applications to undertake works would be fully considered.

### **SUMMARY/CONCLUSION**

It is not considered the issues raised in objection to the TPO are sufficient to outweigh the significant amenity contribution which the tree makes to its surrounding area.



	<b>Tree Preservation Order No. 503</b> 7 Castle Street, Warwick, CV34 4BP					
	<b>LOCATION PLAN</b> OS Sheet Reference No. S12864NW Map Centred (NGR): 428324 E. 264818 N					
	Scale:	Plan:	Drawn By:	Date:	H. No.	North
	1:1250	1	SW	31 December 2015	TPO 503	
Development Services: P.O. Box 21/8, Riverside House, Milverton Hill, Royal Leamington Spa, CV32 5QH						







**Planning Committee:** 25 April 2016

**Item Number:** **17**

**Application No:** TPO 504

**Town/Parish Council:** Royal Leamington Spa

**Case Officer:** Rajinder Lalli

**Registration Date:**

**Expiry Date:**

20/22 Millers Road Warwick CV35 5AD

Confirmation of Provisional Tree Preservation Order relating to Oak Tree

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This Tree Preservation Order (TPO) is being presented to Committee because an objection has been received to it being confirmed

### **RECOMMENDATION**

Planning Committee is recommended to authorise officers to confirm TPO 504 without modification.

### **BACKGROUND**

A request to TPO the Oak tree was made 11/01/16 as the tree was due to be felled that week.

### **ASSESSMENT**

The Oak tree sits within the rear garden of 22 Millers Road on the boundary between 20 Millers Road.

The Oak tree contributes significantly to the local character of the area and is highly prominent within the street scene when viewed between the existing gap formed by 28 Millers Road, Oken Road and Wedgenock Green and therefore has a high public amenity value.

The Oak is considered to be of good health and about a third of the usually assumed life span of an Oak.

### **OBJECTION**

The Council received an objection to the making of the Order from the owner, in summary his objections are:-

1. The tree shades 30% of the garden
2. There is concern in respect of the health of tree due to low production of acorns. The tree is producing more burrs and also puff balls believed to be wasps nests.
3. There is a concern that a large branch will break and fall within the garden causing injury.
4. The roots are damaging the boundary fence.

5. Pigeon droppings are causing a nuisance and possible health risk
6. Does not agree that there is a high amenity value

### **KEY ISSUES**

The key issues to be addressed in deciding whether or not to confirm the Tree Preservation Order are whether the tree is of sufficient amenity importance to justify a TPO, and whether the public benefit afforded by the tree outweighs any private inconvenience experienced by individuals because of the tree.

As set out in the introduction, the trees are considered to be of significant amenity value within the surrounding area.

There is no evidence to indicate that the tree is in decline or that there is a significant danger of the branch referred to being weakened. The making of the order will not in any way prevent the submission of future applications to undertake works to the tree should circumstances change which will, of course be fully considered.

The tree is in good condition with no obvious signs of fungal damage, however there is deadwood throughout the crown but the majority would appear to be as a result of squirrel damage.

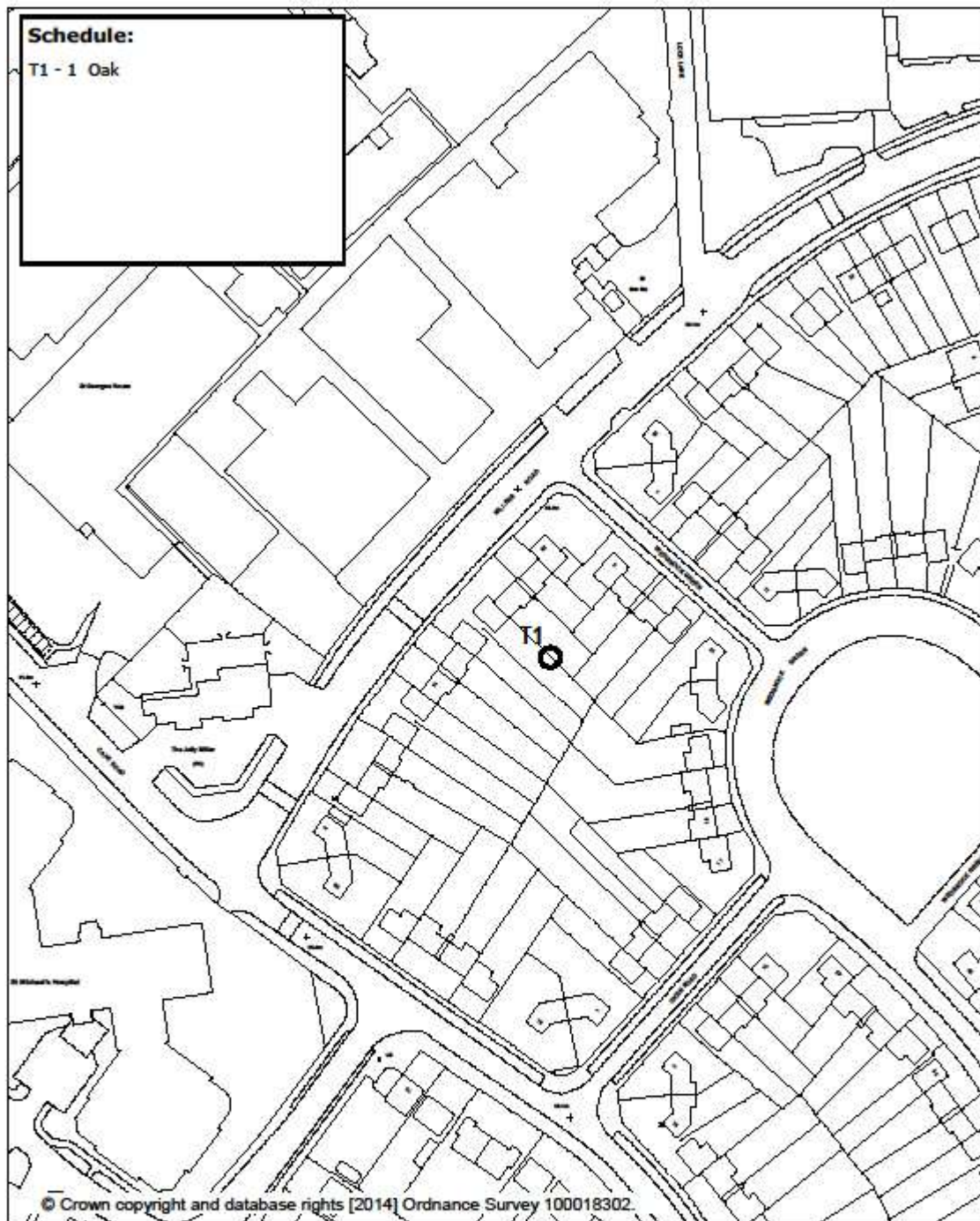
Any deadwood can be removed from the tree without consent.

The effect of the TPO is to bring future work to the trees under the Council's control. It will not prevent appropriate work to be carried to maintain the trees.

In terms of the amenity value of the tree, the tree is viewed various vantage points and enjoyed from the rear gardens of the neighbours within its locality – in that respect the Council has received 15 separate comments from local residents in support of the TPO.

### **SUMMARY/CONCLUSION**

It is not considered the issues raised in objection to the TPO are sufficient to outweigh the significant amenity contribution which the tree makes to its surrounding area.



	<b>Title:</b> <b>Tree Preservation Order No. 504</b> 20/22 Millers Road, Warwick, CV34 5AD					
	<b>LOCATION PLAN</b> OS Sheet Reference No. SP2785NE Map Centred (NGR): 427888 E , 285803 N					
	Scale: 1:1250	Plan: 1	Drawn By: SW	Date: 14 January 2016	File No. TPO 504	North 

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