

Planning Committee

Tuesday 23 April 2019

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 23 April 2019 at 6.00pm.

	Councillor Cooke (Chairman)	
	Councillor Day (Vice Chairman)	
Councillor Ashford		Councillor Mrs Hill
Councillor Barrott		Councillor Morris
Councillor Boad		Councillor Mrs Stevens
Councillor Mrs Bunker		Councillor Weed
Councillor Heath		

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 26 March 2019

(To follow)

Part B – Planning Applications

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

5. **W/18/2086 – 36 Waverley Road, Kenilworth** (Pages 1 to 4)
6. **W/18/2331 – 25 Mill Street, Warwick** (Pages 1 to 5)
7. **W/18/2425 – Land adjacent 21 Wellesbourne Road, Barford** (Pages 1 to 7)
8. **W/18/2447 – Land adjacent Mallards Reach, Barford Road, Barford** (Pages 1 to 6)
9. **W/19/0059 – The Castle Pavilion, Castle Road, Kenilworth** (Pages 1 to 15)
10. **W/19/0104 – 1 Clarendon Place, Royal Leamington Spa** (Pages 1 to 4)
11. **W/19/0105 LB – 1 Clarendon Place, Royal Leamington Spa** (Pages 1 to 3)
12. **W/19/0147 – 10 Inchbrook Road, Kenilworth** (Pages 1 to 4)
13. **W/19/0148 – 17 Stoneleigh Close, Stoneleigh** (Pages 1 to 4)
14. **W/19/0183 – 1 Convent Close, Kenilworth** (Pages 1 to 4)
15. **W/19/0327 – Pinner's Cottage, Old Warwick Road, Lapworth** (Pages 1 to 4)
16. **W/19/0360 – Land North of Gallows Hill, Warwick** (Pages 1 to 18)
****This is a Major Application****
17. **W/19/0369 – 3 Townesend Close, Woodloes Park, Warwick** (Pages 1 to 4)
18. **W/19/0387 – 20 Warwick Place, Royal Leamington Spa** (Pages 1 to 4)

Part C – Other matters

19. **Appeals Report** (To follow)

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with 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 8.45am to 5.15pm and Friday 8.45am to 4.45pm) or email 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.

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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

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

Details of all the Council's committees, councillors and agenda papers are available via our website www.warwickdc.gov.uk/committees

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: 23 April 2019

Item Number: 5

Application No: [W 18 / 2086](#)

Town/Parish Council: Kenilworth

Case Officer:

George Whitehouse

01926 456553 george.whitehouse@warwickdc.gov.uk

Registration Date: 25/01/19

Expiry Date: 22/03/19

36 Waverley Road, Kenilworth, CV8 1JN

Proposed single storey rear extension for replacement sun room FOR Mr & Mrs
Clarke

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

RECOMMENDATION

Grant

DETAILS OF THE DEVELOPMENT

Planning permission is sought for a single storey courtyard infill extension.

THE SITE AND ITS LOCATION

36 Waverley Road is a semi-detached house within the Kenilworth Conservation Area. The property has a single storey modern extension with attached glazed and dwarf brick wall conservatory. Whilst the site is situated within the conservation area, the form of the rear of these particular dwellings is not a traditional Victorian terrace layout (i.e. narrow rear wing and narrow courtyard to the side).

PLANNING HISTORY

W80/1300 - Refused for the conversion of two garages to form bungalow at Bertie Road (appeal dismissed).

W81/0130 - Refused for the erection of a detached house.

W17/0359 - Refused for the replacement of a single storey rear extension.

W17/2017 - Refused for the erection of a replacement sun room.

RELEVANT POLICIES

- National Planning Policy Framework
- [The Current Local Plan](#)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)

- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Neighbourhood Plan
- Kenilworth Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council - Objection based on loss of light and outlook to the neighbouring dwelling.

Warwickshire County Council Ecology - We recommended that any retained trees / hedgerows that could be impacted by the works and storage of materials should be protected through by a suitable RPA. Recommended notes related to protected species.

Public - 1 objection based on loss of light and outlook.

ASSESSMENT

Impact on the amenity of neighbouring uses.

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPG provides a design framework for Policy BE3 and states that extensions should not breach a 45 degree line taken from the nearest habitable room of a neighbouring property. This serves to protect the extent to which neighbours can enjoy their own dwellings without undue disturbance or intrusion from nearby uses.

There is a breach of the 45 degree line from the rear ground floor window of the neighbour on the infill side. However, the design has a two metre eaves height and glazed roof which slopes away from the neighbour and therefore the impact of the extension will be similar to that of a boundary wall which could be erected under permitted development. As a result it is considered an acceptable balance is struck between allowing the applicant flexibility to extend the property and protecting the amenity of the neighbouring occupiers. In addition to this the proposals replace a lawful existing sun room of a similar size and consequently the impact would not be materially different from the current situation.

The proposals are therefore not considered to result in material harm by reason of loss of light or outlook and are therefore considered to comply with Local Plan Policy BE3.

Impact on the character and appearance of the conservation area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Local Plan Policy HE1 states that, where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

The development replaces an existing conservatory/sun room which is in need of replacement. The design ties in to and improves the quality of the conservation area through its use of materials and overall design. The structure is predominantly glazed which gives views to the original property from the rear and the original historic layout from plan view. This is further supported with the stance of no objection from the Conservation Officer.

As a result, it is considered that there would be no harm to the conservation area and that the proposals comply with Local Plan Policy HE1.

Ecology

Warwickshire County Council Ecology have requested a root protection zone (RPZ) around any trees affected by the development. However after carrying out a site visit, it is clear that no trees are likely to be affected by the works. Nevertheless an explanatory note reiterating the BS 5837:2012 'recommendations relating to tree care and development' has been appended as a precautionary measure, along with the recommended bat and bird notes.

Summary

It is considered that the proposals will not lead to a significant level of harm to the amenity of neighbouring uses over and above that of the existing conservatory and when considering the permitted development fall-back. In addition to this the design of the proposal is compliant with Local Plan Policies HE1, BE1 and NE2. Therefore it is recommended that planning committee grant this application.

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 3032 02, and specification contained therein, submitted on 29/10/2018 and approved drawings 3032-01B and 3032-03B and specification contained therein, submitted on 15/02/2019.
REASON : For the avoidance of doubt and to secure a satisfactory form

of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
 - 4 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029.
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Planning Committee: 23 April 2019

Item Number: 6

Application No: [W 18 / 2331](#)

Town/Parish Council: Warwick
Case Officer: Liz Galloway
01926 456528 Liz.galloway@warwickdc.gov.uk

Registration Date: 26/02/19
Expiry Date: 23/04/19

25 Mill Street, Warwick, CV34 4HB

Proposed demolition of existing garage and erection of replacement garage and car port with workshop above. FOR Mr & Mrs J Stephenson

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

This application is for the proposed demolition of the existing garage and the erection of a detached garage with workshop above and associated car port. A building of a similar size is proposed, however, in a slightly different position to the existing garage. A garage with workshop above incorporating an external staircase was granted in 2007.

THE SITE AND ITS LOCATION

The application property is a mid terrace Listed property situated within a Conservation Area and located to the east of Mill Street.

PLANNING HISTORY

W89/0991LB - Granted for the erection of a rear sun lounge and insertion of a door.

W89/0093LB - Granted for rear sun lounge.

W07/0241 - Granted for the erection of a rear conservatory, oriel window to bedroom 3, installation of lantern and roof light to kitchen/breakfast, replace tile hanging with painted brick work and installation of window in south gable.

W07/0223 - Granted for the erection of a conservatory and shower room, lantern light over kitchen. Demolition of existing garage. Erection of a double garage and car port with external staircase leading to workroom above.

RELEVANT POLICIES

- National Planning Policy Framework

- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- Residential Design Guide (Supplementary Planning Guidance - May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objects on grounds of scale, impact on Listed Building, use and impact on tree.

1 public response (19 Mill Street): Objects on grounds of impact on adjacent trees, overlooking, loss of privacy and design.

1 public response (27 Mill Street): Comments relating to impact on trees.

1 public response (39 Mill Street): Comments relating to impact on trees and loss of privacy.

WCC Ecology: Recommends Bat and Bird notes.

Tree Officer: No objections provided that the control measures described and illustrated in the Impact Assessment are fully implemented in a timely fashion and properly maintained and monitored throughout the duration of the development.

ASSESSMENT

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

- Design and Impact on the Listed Building and the Conservation Area
- Impact on neighbouring residential amenity
- Ecology

Design and Impact on the Listed Building and Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. 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 193 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.

Warwick District Local Plan Policy HE1 states that consent will not be granted to alter or extend a Listed Building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

Warwick District Local Plan Policy HE2 states that development will be required to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas.

The main house is a Grade II Listed Building and the outbuilding to be demolished is therefore curtilage listed.

The existing flat roof double garage in the rear garden does not contribute towards the architectural or historic significance of the principal Listed building, therefore, it is considered that its demolition is acceptable.

The amended design of the proposed replacement garage with workshop above is considered to have no significant impact on the character or appearance of the Listed Building or the surrounding Conservation Area. This application proposes a structure which will not be significantly larger than what was approved in 2007 and provides a design which is viewed as more appropriate for the area. Furthermore, the proposed building will be constructed using traditional materials and will be of a design which will not detract from the character and appearance of the area or when viewed within the street scene.

The Conservation Officer finds the revised scheme acceptable, although he recommends that conditions are imposed to require the submission of large scale details and samples of materials.

Impact on neighbouring residential amenity

Policy BE3 requires development to not lead to an unacceptable adverse impact on the amenity of nearby users or residents, and to provide acceptable standards of amenity for future users/occupiers of the development. The proposals will not harm adjoining uses and would therefore comply with this Policy.

As amended, it is considered that the proposed replacement garage with workshop above will have no significant impact on any adjacent properties in relation to loss of light, outlook or privacy and there will be no breach of the Councils adopted 45 degree guideline.

Ecology

WCC have commented on the proposal and recommends note relating to bats and birds are attached to any approval. Therefore, this application in its present form is acceptable and would comply with Warwick District Local Plan Policy NE2.

Arboricultural Issues

The Tree Officer raises no objections provided that the control measures described and illustrated in the Impact Assessment are fully implemented in a timely fashion and properly maintained and monitored throughout the duration of the development. Therefore it has been concluded that the proposals would have an acceptable impact on trees.

CONCLUSION

It is considered that the proposed development does not significantly impact the material integrity, character or appearance of the Listed property or its setting within the Conservation Area and would not have a materially greater impact than the scheme already approved in 2007. Furthermore, it is considered that the proposal would have no detrimental impact on neighbouring residential amenity which would warrant A reason for refusal of the application.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 1604-7, submitted on 26th February, 2019 and amended drawings 1604-2E, 1604-4D and specification contained therein, submitted on 28th February, 2019 and amended drawing 1604-5E submitted on 6th March, 2019. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation (Arboricultural Impact Assessment from Barton Hyett Arboricultural Consultants) have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or

waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

- 4 No development shall be carried out above slab level unless and until samples of the external facing materials (including roofing materials, bricks and rainwater goods) to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 5 No development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

Application No: [W 18 / 2425](#)

Town/Parish Council: Barford
Case Officer: Nigel Wright
01926 456539 nigel.wright@warwickdc.gov.uk

Registration Date: 22/01/19
Expiry Date: 19/03/19

Land adjacent 21 Wellesbourne Road, Barford, Warwick, CV35 8DR

Change of use of land from a site previously approved as part of a wider development (ref: W/15/1294) to domestic garden land associated with 21 Wellsbourne Road and retention of garden shed and log store (Retrospective)
FOR Mr J Close

This application is being presented to Committee due to an objection from the Joint Parish Council.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks permission to retain the change of use of land to the side (north) of the property for use as a garden. The site has been cleared of previous established planting and scrub, although two mature trees have been retained within raised brick beds, one of which (Yew) is formally protected by Tree Preservation Orders. A timber shed and low-height log store have also been erected on the land and planning permission is also sought for their retention.

THE SITE AND ITS LOCATION

The application property is a two storey detached cottage situated on the east side of Wellesbourne Road, Barford and adjacent to a private rear access to Barford House that runs along the rear of the property and its neighbours. The application property is one in a short row of cottages with very limited residential curtilages.

The application property originally had a modest paved yard to the side (south) and rear, enclosed by a 1.4-metre-high wall. However, the yard was substantially built over by extensions in 2013, at which time the boundary wall was also removed.

A small area of land to the other side (north) of the property was enclosed by a low fence, although it is unclear whether this was ever in the applicant's ownership.

The site falls within the Barford Conservation Area, which includes areas of built development as well as significant open areas / green space which form part of its character.

The open areas to the east of the application site, between Barford House and the relatively recent residential development to the south, contributes towards the setting of the buildings within the Conservation Area, as well as to the setting to the Grade II* Listed Barford House. Although this area is within the ownership of the new dwellings, its open nature is secured by conditions of the planning permission (ref.no. W/15/1294).

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)

PLANNING HISTORY

W/15/1294 – erection of 8 dwellings, landscaping and parking – Granted May 2015 (Revised)

W/13/0904 - Single-storey rear extension and two-storey side extension and part demolition of boundary wall – Granted 23.08.2013

W/13/0121 – single-storey rear extension and two-storey side extension – Refused 02.04.2013

SUMMARY OF REPRESENTATIONS

Barford Sherbourne & Wasperton Joint Parish Council: Objects because this and surrounding land was designated as parkland in the Barford Neighbourhood Development Plan and the application does not make a compelling justification for a change

WCC Landscape: No objection

WCC Tree Officer: No comments to make

CPRE Warwickshire: Objects on the grounds that the proposal is contrary to both Barford's Neighbourhood Development plan and WDC's planning policies. Barford House, which has parkland, gardens and boundary wall, all form an essential setting for one of Barford's most significant heritage assets. CPRE

Warwickshire might normally support such a proposal but on this occasion we feel we must protect the parkland and gardens of the listed Barford House.

Warwickshire Gardens Trust: The land in question was part of the locally listed park and garden of Barford House and was undertaken to be retained as parkland in application W/15/1294. The approved landscape plan proposed an iron parkland fence along the east side of the right of way. There is now here a wooden post and rail fence against which a hedge has been planted (not on this applicant's land). This will effectively break up the openness of the parkland which was originally intended to be protected.

We therefore request that, in considering this application you:

- Investigate whether conditions 10 and 13 of permission W/15/1294 have been discharged and whether Shaba Homes are in conformity with the documentation which they submitted (if they did).
- Apply conditions to this land in order to continue to protect its openness as parkland and avoid the domestic paraphernalia to which garden land is often subjected.

Public Response – Seven representations have been received. Five are in support of the application and two are against.

Those in support are on the basis that:

- It is a small area and sensitively developed, retaining important trees
- It is clearly divided from Barford House and the parkland
- It is not accessible to public views
- It was seriously overgrown with brambles and is a visual improvement
- It is segregated from the rest of the parkland and would not set a precedent for other homeowners
- It cannot be seen from the listed Barford House

The objections are on the grounds that:

- It is within a locally listed park and garden and should be protected
- The setting of the listed Barford House should be considered
- The land is outside the village development boundary
- If allowed, the owners of neighbouring dwellings will expect to be able to extend their domestic uses

ASSESSMENT

Background

The site subject of this application fell within the application site for the larger adjacent development site (W/15/1294). The officer's report to Committee on the application states that:

'The site falls within the Barford Conservation Area, which includes areas of built development as well as significant open areas / green space which form part of its character. The open areas contribute towards the setting of the buildings within the Conservation Area, as well as enabling views within and into-out of the Conservation Area. In relation to this application site the open area provides a setting to the Grade II Listed Barford House and clearly has historic interest in relation to its close association with Barford House. The application site also includes the distinctive boundary to Wasperton Lane which reflect that surrounding Barford House and along Wellesbourne Road. This is an important part of the character of this part of the Conservation Area.*

The proposed development restricts built development to the southern area of the site retaining openness to Barford House. The open area has been included within the area to be within the ownership of future residents as this is considered to provide the best solution in ensuring the area remains managed into the future.' Whilst the open space between the development and boundary with Barford House is to be landscaped taking references from the status of the site as a historic parkland.'

Planning permission was granted subject to Conditions removing permitted development rights for further development within the curtilages of the new dwelling (Condition 16); restricting the use of the private gardens (amenity) and parkland grass areas (seeded) for those purposes only (Condition 27); and for approval of a landscape management plan for the landscape parkland and garden plots (Condition 25).

Following the grant of planning permission for the larger site, it is understood that the land subject of the current application was then sold to the applicant.

There is some dispute as to the historic, and current, status of the land, including its precise association with the listed Barford House and the designation as parkland. Barford House is listed as a Locally Important Park and Garden in the Local Plan (para. 5.173). However, the boundary is not yet formally defined. The description in the listing states that the site is valuable at the local/parish level hence the local listing however the current condition of the landscape is poor.

The Council's records show the site (but not the dwelling) to be outside the Growth Village Envelope and therefore within countryside. It is also outside the village core in the Barford Village Design Statement.

KEY ISSUES

It is considered that the main issues relevant to the assessment of this application are as follows:

- the impact on visual amenity and heritage asset;
- the impact on neighbouring residential amenity

Impact on visual amenity and heritage asset

Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act requires special regard to the historic character of listed buildings, Section 72(1) seeks to ensure that development proposals preserve or enhance the character of the Conservation Area. Policies HE1 and HE2 of the Local Plan set similar aims.

Section 12 of the NPPF advises that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (Paragraph 124). It requires the significance of heritage assets to be preserved and any harm arising from development proposals to be balanced against any public benefits of the scheme (Paras 189 to 196).

Policy B6 of the Barford Neighbourhood Plan (BNP) states that development will not be permitted where it has a detrimental impact on the character of the Conservation Area, the setting of a Listed Building or the identified open spaces and views within the Conservation Area.

Policy B8 of the BNP seeks the preservation of protected views. One of these is the view of parkland surrounding Barford House from the allotment path to the east.

Although Policy B10 of the BNP seeks the protection and enhancement of ancient woodland, the application site lies outside identified area A1, so is not entirely relevant. However, para 5.53 does identify it as within an area of woodland and essential for wildlife.

The change of use to garden land does not impact on the street scene as it is not visible from Wellesbourne Road. Part of the shed roof is visible over the wall, but it is marginal and not easily noticeable. In this regard, the proposal is not considered to be harmful to the character and appearance of the street scene or to the character of the Conservation Area. With regard to the impact on the adjacent open land to the east, it is considered to be a discreet and standalone parcel of land that is more readily seen as associated with the application dwelling rather than the adjacent parkland and countryside. The site is beyond an open timber fence that encloses the parkland to the east. The fence was erected at the time of the construction of the development site, although it is noted that the submitted landscape masterplan for the development indicated 1m high Parkland style flat bar mild steel railings, painted black. Condition 13 of W/15/1294, which requires the submission of a hard and soft landscaping scheme, does not appear to have been formally discharged. This is a separate enforcement matter. Notwithstanding this, officers consider that the delineation of the boundary by a fence (whatever the material) does, together with the right of way to Barford House, represent a clear, distinct and defensible boundary

edge to the parkland, separate from the row of cottages fronting Wellesbourne Road. Despite the contrasting domestic layout and appearance of the land, therefore, it is considered that no undue harm is, or will be, caused to the open character of the remaining parkland and countryside or to the views in or out of the Conservation Area from that aspect. For similar reasons, and given the very substantial belt of trees at Barford House, it is considered that no harm is caused to the setting of the listed building.

Furthermore, given the particular set of circumstances involved, officers consider that, if permitted, it would not lead to similar proposals in the locality that the Council would then subsequently find difficult to resist.

It should be noted that no objections have been received from the County Landscape Officer and Tree Officer.

In the context of the development plan, including the Barford Neighbourhood Plan, and having regard to the above, it is considered that there is no undue harm being caused to the significance of the Conservation Area or setting of the nearby listed building, to the character of the remaining parkland or to the general visual amenities of the surrounding area. In addition, it is not considered that it fundamentally conflicts with grant of planning permission for the adjacent residential development or the intentions and reasons for the Conditions imposed on that planning permission.

Impact on neighbouring residential amenity

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents. Due to the nature of the proposal and its location, there would be no material impact upon the amenity of neighbours.

Other matters

Policy NE3 of the WDC Local Plan requires the protection of biodiversity as part of development proposals. Due to the limited size of the site and taking account of the remaining woodland at Barford House and the remaining adjacent parkland, it is considered that any impact on biodiversity is minimal. As noted, protected trees have also been retained.

Whilst the change of use is considered to be acceptable for the reasons set out above, the proliferation of other structures on the site, such as other sheds, green houses etc remains a concern. In this regard, it is also acknowledged that the site is, strictly, in designated countryside. However, due to the circumstances of the site, including its size, nature and location within its surroundings, it is considered that an objection in principle could not be reasonably sustained. Even so, to limit any additional potential future harm, it is considered that any grant of permission should include a Condition removing permitted development rights to erect additional curtilage buildings within the site. This reflects the Condition imposed on the parkland to the east under ref.no. W/15/1294.

SUMMARY/CONCLUSION

The proposals have been carefully considered against all the material considerations and against comments received from neighbours and consultees, including the Joint Parish Council, and found to be acceptable for the reasons set out above.

It is recommended, therefore, that planning permission be granted, subject to the Conditions as set out below.

CONDITIONS

- 1 The development hereby permitted relates strictly to the details shown on the site location plan and approved drawing no. CLOSE 01B submitted on 22 January 2019 and specification contained therein.
REASON: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policy B6 of the Barford Neighbourhood Plan 2016 and Policies BE1, BE3, HE1 and HE2 of the Warwick District Local Plan 2011-2029.

- 2 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 further development shall take place within the curtilage of any dwellinghouse hereby permitted **REASON:** That having regard to the design, layout and general nature of the land it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the setting of the Listed building or character of the Conservation Area. Therefore, no additional development is to be carried out without the permission of the local planning authority in accordance with Policies BE1, BE3, HE1 and HE2 of the Warwick District Local Plan 2011-2029.

Application No: [W 18 / 2447](#)

Town/Parish Council: Barford
Case Officer: Nigel Wright
01926 456539 nigel.wright@warwickdc.gov.uk

Registration Date: 14/01/19
Expiry Date: 11/03/19

**Land Adjacent Mallards Reach, Barford Road, Barford, Warwick, CV35
8BZ**

New vehicle entrance, gates and fencing associated with new dwelling (under construction) approved under reference W/16/1221 and amended by W/17/2336. FOR Mr Khera

This application is being presented to Committee due to an objection from the Joint Parish Council.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

This application seeks a variation of Condition 2, which relates to the drawing numbers of planning permission ref: W/16/1221 for the new dwelling. This is to allow for additional drawings (dwg.no. 1170-0514-02) to be included for proposed new front boundary fencing and gates. No front boundary treatments have previously been approved for the site.

The proposals are for 1.85-metre-high metal railings above a very low brick plinth (100mm), in between 2.2-metre-high brick piers. The new fencing would extend across the entire frontage of the site. The railing gates curve up to approximately 2.4 metres high at their centre and be set back 7.5 metres from the highway boundary. The brickwork is to match that of the new dwelling and the railings would be painted black.

THE SITE AND ITS LOCATION

The application site relates to land adjacent to 'Mallards Reach' which is a dwellinghouse set within substantial grounds. Planning permission for a new dwelling on the plot was granted in 2016 and is now substantially built. This property is on the end of a run of development characterised by several large detached properties set within large grounds on the northwest side of the road. The rear gardens of six properties located on Ryland Road back onto the southwest boundary of the site, formed by a line of mature trees. These garden boundaries also form the village envelope edge, to which the application site sits outside and adjacent. The site is, therefore, within designated countryside. Tree Preservation Orders protect mature trees to the property's frontage and southwest boundary. The site lies within the Barford Conservation Area.

PLANNING HISTORY

W/19/0307 - Variation of Condition 2 (drawing nos.) of planning permission ref: W/16/1221 (Proposed new detached dwelling on land adjacent to Mallards Reach, Barford Hill) to amend the design - Pending

W/17/2336 - Variation of Condition 2 (drawing nos.) of planning permission ref: W/16/1221 (Proposed new detached dwelling on land adjacent to Mallards Reach, Barford Hill) to add a glazed link between the main house and the garage, altered garage position, less dormers to garage and outer rear staircase to it, altered rear patio and steps – Granted 12.03.2018.

W/16/1221 - Proposed new detached dwelling on land adjacent to Mallards Reach, Barford Hill – Granted 25.08.2016

W/14/1569 – Erection of 1no. dwelling and elevational alterations to existing house – Granted 04.03.2015

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)

Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)

SUMMARY OF REPRESENTATIONS

Barford Sherbourne & Wasperton Joint Parish Council: Objects because the proposed development is over-bearing, out-of-scale and out of character in appearance compared with existing development in the vicinity

WCC Highways: No objection subject to Conditions as set out for W/14/1569.

WCC Landscape: The proposed railings are out of keeping with the character of the Conservation Area at this area of Barford. The plans show the removal of the roadside trees which make an important contribution to the character of the Conservation Area.

WCC Ecology: No further comments. Comments to application W/16/1221 still stand; Recommend notes on badgers, amphibians, nesting birds and the use of indigenous tree and shrub species.

Public Response – None received

ASSESSMENT

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

- the impact on visual amenity and heritage asset;
- the impact on highways.

Impact on visual amenity and heritage asset

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 12 of the NPPF advises that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (Paragraph 124). Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. (Para 130). It requires the significance of heritage assets to be preserved and any harm arising from development proposals to be balanced against any public benefits of the scheme (Paras 189 to 196).

There are concerns that the new proposals could have an urbanising effect on this part of the Conservation Area, at the transition of the village into countryside, and where front boundaries are more generally defined by timber fencing. However, there are also examples of brick walls and of brick walls at access entrances along the road, although, in the case of the latter, only at the mouths of those accesses.

Frontage trees would be retained and their presence behind the open railings will help to assimilate the proposal into its surroundings. Regard must also be made to the fact that, once occupied, the owner would benefit from permitted development rights that would allow for the erection of a 2-metre-high wall, if set back from the highway.

This represents a significant 'fall-back' position in the consideration of this proposal in that similar fence and gates could be erected in a similar position to those proposed, as soon as the dwelling is occupied. Although the current proposal is marginally over 2 metres in height, the difference in height is not a materially significant one and so any potential harm from the current proposal has to be judged in this context.

In the context of the Framework, and having regard to the above, it is considered that there would be no undue harm to the significance of the Conservation Area or to the general visual amenities of the surrounding area.

Impact on Highways

Setting aside the design, height and materials of the proposal, the position of the access and the provision of visibility splays remain unchanged from that indicated in the approved details and are considered acceptable. The proposal is, therefore, considered to accord with Policy TR3 of the local plan and will not give rise to highway safety concerns.

It is noted that there is no objection from the County Highway Authority subject to the same Conditions imposed on previous planning permissions for the site.

Other matters

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents. Due to the nature of the proposal and its location, there would be no material impact upon the amenity of neighbours.

Policy NE3 of the Local Plan requires the protection of biodiversity as part of development proposals. Despite WCC Landscape comments, no trees are proposed to be removed under this application.

Issuing any permission under Section 73 of the Act is tantamount to issuing a new permission for the entire development. As a consequence, any decision notice must replicate all previous conditions, where they are still relevant. Development has commenced and therefore the standard three-year time limit Condition is unnecessary.

SUMMARY/CONCLUSION

The proposals have been carefully considered against all the material considerations and against comments received from neighbours and consultees, including the Joint Parish Council, and found to be acceptable for the reasons set out above.

Accordingly, the proposals are considered to comply with the policies contained in the Development Plan and the National Planning Policy Framework.

It is recommended, therefore, that planning permission be granted, subject to the Conditions as set out below.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 1170-0502-01 and 093/SK01 Rev C as approved under application ref. W/16/1221 and 1170-0503-04, 1170-0504-04, 1170-0501-04, 1170-0506-04, 1171-0507-04, 1170-0505-03, 1170-0512-01 submitted on 12th December 2017 and 1170-0514-02 submitted on 15th January 2018 and specification contained therein.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 2 The entrance, gates and fencing hereby permitted shall be carried out only in full accordance with sample details of the bricks 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 BE1 of the Warwick District Local Plan 2011-2029.
- 3 Other than the entrance, gates and fencing hereby permitted, the development shall otherwise be carried out only in full accordance with the sample details of the facing and roofing materials which were submitted to and approved in writing by the local planning authority on 06/02/2018 under Condition 3 of planning permission no. W/16/1221.
REASON: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 Notwithstanding the submitted details, the development shall not be occupied until 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 43 metres to the right and 120 metres to the left 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 access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway and measures not less than 3 metres wide. **REASON:** To ensure that a satisfactory access is provided in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 & TR3 of the Warwick District Local Plan 2011-2029.
- 5 The scheme for the protection of all existing trees and hedges to be retained on site, as required by Condition 5 of planning permission W/16/1221, shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus

materials have been removed. 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 in these areas. **REASON:** In order to protect and preserve existing trees and mature landscaping within the site which are of amenity value in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029

- 6 The development hereby permitted shall only be undertaken in strict accordance with the drainage details that were submitted to and approved in writing by the local planning authority on 06/03/2018 under Condition 6 of planning permission no. W/16/1221. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details unless alternative drainage methods have been approved in writing by the local planning authority. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies FW2 & NE4 of the Warwick District Local Plan 2011-2029.
- 7 The development shall not be occupied unless and until the car parking and manoeuvring areas indicated on the drawings approved under planning permission W/16/1221 have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 & TR3 of the Warwick District Local Plan 2011-2029.
- 8 Prior to the occupation of the development hereby permitted, the first floor side facing windows serving bathrooms and ensuites shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **REASON :** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.

Application No: [W 19 / 0059](#)

Town/Parish Council: Kenilworth

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 15/02/19

Expiry Date: 12/04/19

The Castle Pavilion, Castle Road, Kenilworth

Proposed change of use from stables and paddock, to agriculture with new poly tunnel, and replacement building to provide farm shop and cafe. FOR Mr & Mrs Parry

This application is being presented to Committee as there have been 5 or more letters of support received for the application and it is recommended for refusal.

RECOMMENDATION

Planning Committee are recommended to refuse planning permission for the reasons listed in the report.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the proposed change of use from stables and paddock, to agriculture with new poly tunnel. The application is part retrospective as the poly tunnel and planting beds shown on the proposed drawings have been installed on site. The poly tunnels and beds would be used for horticulture to grow flowers which would be sold on site.

The proposal also includes the replacement of the existing building known as "Castle Pavilion", a former stable building now in a dilapidated condition, with a farm shop which would include a sales area for local produce, including the flowers grown on site and a cafe. The size of the building has been reduced so that it would be the same size as the existing building. Previously there was to be an increase in size by 35% of the original footprint. The Design and Access Statement confirms that the cafe would provide cold food and drinks and the farm shop would sell produce manufactured on site and homewares.

Parking would be provided on site for a total of 13 cars on an existing area of hardstanding, with two electric vehicle charging points and 1 disabled bay. There would be an area for cycle storage and the access has been amended to provide a two way access from Castle Road. Previously the site was to have a one-way system in and out of the site next to Brays Car Park near to Kenilworth Castle, however, this has been omitted following concern which was expressed by English Heritage. The existing track from Castle Road to Castle Pavilion would be tarmacked and widened, and would provide passing places.

A footpath would be provided through the wildflower meadow and fruit trees are proposed to the west of the site.

THE SITE AND ITS LOCATION

The application site relates to a detached stable building located to the west of Castle Road and accessed via an existing long unmade track. The site is located within the Green Belt with fields extending to the south. Immediately to the northern boundary is a Scheduled Ancient Monument (Kenilworth Castle outer defensive works) and the Kenilworth Conservation Area. Kenilworth Castle also has a Grade II* Registered Park and Garden. The site falls outside of the urban area of Kenilworth.

PLANNING HISTORY

W/17/0971 - Resubmission of W/16/0702: Change of use and conversion of existing building to form 1no. dwellinghouse with associated residential curtilage: Withdrawn.

W/16/0702 - Change of use and conversion of existing building to form 1no. dwellinghouse with associated residential curtilage: Refused and dismissed at appeal because: 'the proposal would result in unsatisfactory living conditions for future occupiers by way of an unacceptable level of outdoor amenity space and lack of adequate outlook'.

W/15/2169 - Proposed refurbishment of existing building to form dwelling: Refused because of 'harm to the openness of the Green Belt and, the residential paraphernalia, visual clutter and domestic activities associated with the proposed dwelling would result in harm to the currently open and rural nature of the land surrounding the building, which is considered to be damaging to the character and setting of the adjoining Scheduled Ancient Monument, Registered Park and Garden and conservation area.'

W/14/0522 - Change of use of existing building to a dwelling (Use Class C3): Refused and appeal dismissed because of: 'the intrinsic harm that arises from inappropriateness, the loss of rural character and the harm to the setting of the ancient monument, registered park and garden and the conservation area'.

W/05/1464 - Change of use to stables: Granted.

W/99/1069 - Change of use from agriculture to office (B1a): Refused.

W/96/0691 - Change of use from farm shop to storage for contract lawn mower equipment: Refused.

W/95/0896 - Erection of dwelling and garage: Refused.

W/95/0345 - Change of use from farm shop to tea room: Refused.

W/91/0993 - Erection of bungalow and garage to replace existing timber framed building: Refused.

W/90/1252 - Erection of dwelling and double garage: Refused.

W/90/0191 - Erection of 2 bungalows and garages: Refused.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TC1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TC18 - Farm Shops (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TC2 - Directing Retail Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)

Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Kenilworth Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Objection:

- The amended access is not considered to provide safe access to the site, nor alleviate serious road safety concerns;
- The lane is unsuitable for heavy traffic and HGVs and there would be highway and pedestrian safety issues;
- Inappropriate commercial intrusion into the Green Belt in a sensitive area of the town adjoining a scheduled monument;
- The proposed farm shop does not relate to an existing farm;
- The proposed building is considerably larger than the existing, which represents a disproportionate addition to the original building and inappropriate development within the Green Belt, with no very special circumstances;
- The polytunnel sits next to the Castle, affecting views both ways and has a significant impact on the scheduled monument;
- The proposal is in breach of KP10 of the KNDP and will contain visitors to this area; and,

- The proposal is in breach of policy KP13 as the development is inconsistent with the Conservation Area, uniformly residential in character and introduces a higher intensification of the use into the area.

Conservation Area Forum (CAF): Objection, the increased height and footprint results in a detrimental increase of the massing on the site. The overall scheme is detrimental to the landscape, harmful to the setting of the Grade I listed Kenilworth Castle and Grade II* listed Registered Park and Garden with no sufficient public benefit which outweighs this harm.

Historic England: Objection, the rebuilding of the existing structure will change its character considerably and impact on the significance of the heritage assets by the change to their setting. No heritage benefits are to be derived from the scheme and the overall level of harm is potentially sufficient to merit a refusal in heritage terms.

English Heritage (Operator of Kenilworth Castle): Objection, concern regarding the proposed access arrangements relating to the access past the Brays Car Park, particularly the safety of visitors to the Castle; congestion; impact on the public bridleway/footpath which runs along same route through Castle grounds. No objection if the plans were amended to clearly show no use of the road through the Castle grounds and past the Brays Car Park to Castle Road.

Environmental Health: No objection, subject to conditions.

WCC Archaeology: No objection, subject to conditions.

WCC Ecology: No objection, subject to the inclusion of a condition relating to hand-stripping of roofing materials and informative notes relating to protected species.

WCC Landscape: Objection, the proposal is considered to be harmful to the Green Belt, historic Arden Parkland landscape character and setting of heritage assets.

WCC Highways: No objection, however, further comments expected prior to the committee meeting.

148 Public Support Comments:

- The proposed development would be an asset to Kenilworth and the District;
- It is important to support small businesses;
- The shop is much needed;
- The plans are in keeping with the area;
- The impact will be low;
- The development will encourage healthy living and become a community hub;
- It will enhance the walker and cycle routes;
- The development may provide additional employment opportunities;
- The proposal will add to the character of the rural area;
- The cafe will provide a service to users of public footpaths and the bridle path;
- The business will encourage visitors to Kenilworth to stay longer;
- Soon the site will be surrounded by the Sports Complex so the site context has already changed;

- The development would have very little impact on nearby residents and promotes healthy lifestyles;
- The wildflower meadow will encourage wildlife;
- Support for the use of electric charging points and disabled facilities; and,
- Extra traffic will not add to the volume of noise already heard by nearby residents.

1 Neutral Comment: The extraction stack is out of keeping.

91 Objections:

- Concern regarding the sustainability of the site, impact on the nearby town centre and ability to ensure that 70% of produce is farmed locally;
- Concern regarding use of the site for residential purposes in the future;
- The site is not allocated in the Local or Neighbourhood Development Plan for use as a farm shop;
- Harm to the openness of the Green Belt and there are no very special circumstances which outweigh the harm;
- The proposal does not represent a farm shop as there is no farm;
- Inadequate access to the site, the existing roads are in poor condition and the development would exacerbate this;
- Traffic management and highway and pedestrian safety impacts; inadequate parking;
- Detrimental impact on the character of the area and setting of the Conservation Area;
- Detrimental impact on nearby heritage assets including damage to property;
- Will be invasive to the local community;
- Impact on nearby businesses;
- Impact on neighbouring residential amenity (increase in traffic / noise disturbance / loss of privacy);
- Impact on protected species;
- Impact on the rural character of the area;
- Extraction equipment will damage air quality;
- Impact on wildlife and ecology;
- Impact on neighbouring farm / stables;
- The proposal is contrary to Kenilworth Neighbourhood Development Plan;
- Lack of genuine support for the proposal on the Facebook support page;
- No details provided regarding heating;
- The overdevelopment of the site;
- Increased risk of crime and anti-social behaviour; and,
- The applicant has located bee hives such that they are likely to become a nuisance to neighbours.

Castle Farm Action Group: Objection, harm to the openness of the Green Belt and Kenilworth Castle, danger and nuisance from increased traffic outweighs any likely benefits to the community, impact on local wildlife, views from public footpaths spoilt, will result in a vacant unit in the town centre.

Campaign to Protect Rural England (CPRE): Inappropriate development within the Green Belt; it is simply a shop in the field beyond the envelope of the town; no evidence that the shop will sell produce from a farm of the owner; the proposed building is larger and made of materials which will be far more conspicuous on this rural site; the road to the site is inadequate for the amount of traffic likely to use the cafe and shop.

ASSESSMENT

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

- The principle of development;
- The impact upon landscape/heritage assets;
- The impact on the living conditions of nearby dwellings;
- Highway Safety;
- Drainage and Flood Risk;
- Ecological Impact;
- Archaeology;
- Other Matters.

The Principle of the Development

Members of the public raise concern that the application site is not allocated in the Local or Neighbourhood Development Plan for use as a farm shop; there would be harm to the openness of the Green Belt and there are no very special circumstances which outweigh this harm. There are also concerns that the proposal does not represent a farm shop as there is no existing farm; and that it would have a detrimental impact on nearby businesses.

The Castle Farm Action Group and the CPRE also consider that the proposal represents inappropriate development within the Green Belt, that the proposals would result in a vacant unit in the town centre, and that there is no evidence that the shop will sell produce from a farm of the owner. Members of the public raise concern regarding the sustainability of the site, the impact on the nearby town centre and ability to ensure that 70% of produce sold is farmed locally.

Kenilworth Town Council consider that the proposal represents an inappropriate commercial intrusion into the Green Belt in a sensitive area of the town adjoining a scheduled monument.

Supporters of the proposal state that the development would not have a harmful impact on the openness of the Green Belt, that the proposal is a much needed asset for Kenilworth and the District, and will encourage visitors to Kenilworth to stay longer.

The Principle of New Retail Development

Local Plan policy TC2 states that,

"Within the town centres, new retail development should be located as a first preference in the retail areas defined on the Policies Map.

Where suitable sites are not available in the retail areas, sites on the edge of the retail areas will be considered and, if no suitable sites are available in any of the preferred locations, out-of-centre sites will be considered."

The proposal would include the provision of a retail unit (farm shop) and cafe which would also be classed as new retail development. The application site is located outside of the town centre. The applicant has not demonstrated that there are no other suitable sites within the town centre or edge of retail areas

that would be suitable for the proposed use and therefore, it is not considered that the requirements of Local Plan policy TC2 have been met.

Maintaining the shopping function of town centres is important in supporting the local economy and promoting sustainable patterns of development. It is important therefore that any new retail development proposals are directed to town centres in the first instance; an approach that is entirely consistent with Government policy. The primary objective of this policy is to maintain and enhance the viability of existing town centres through new development. The proposed farm shop and cafe are considered to have a harmful impact on the function of the town centre, diverting trade away from the main retail element of Kenilworth. The proposal could also set an undesirable precedent which Officers would seek to resist. The development is therefore considered to be contrary to Local Plan policy TC2 and not acceptable in principle.

Supporting Farm Diversification and the Provision of New Farmshops

Local Plan policy TC18 states that,

"development of new farm shops and the extension of existing farm shops will be permitted where:

- a) The proposal involves the appropriate conversion of an existing rural building or the construction of a new building at the intended location and is of a scale and nature that can be satisfactorily integrated into the landscape, and
- b) It would not have an adverse impact on existing rural shops in the local area."

Whilst the applicant states that the proposed development would provide a farm shop, the explanatory text for policy TC18 states that the role of farm shops is supported where these can assist in farm diversification projects, offer an outlet for food produced on the farm and support the local economy; and provide a source of local jobs. However, there is no evidence that the proposal would represent the diversification of an existing established farm. It is also not considered that the proposed development would be able to be satisfactorily integrated into the landscape, which is detailed further below. The proposal is not considered to meet the requirements of Local Plan policy TC18.

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. It sets out that inappropriate development within the Green Belt is harmful by definition. Exceptions to inappropriate development in the Green Belt are listed and includes the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, and buildings for agriculture, amongst other things.

Planning permission is not required for the change of use of land associated with the application from paddock / grazing land to agriculture. Horticulture, which the applicant proposes on site, can be classified as agriculture under section 336 of the Town and Country Planning Act 1990. Therefore, the broad principle of installing the raised beds and polytunnel is considered to be acceptable as they comprise appropriate development within the Green Belt.

Initially, the applicant proposed a building which was to be materially larger than the existing building by 35% of the original footprint. However, the scheme has been amended and the replacement building is now proposed to be the same size as the existing property. However, the existing use of the building is stables and the proposed use would be for retail and a cafe. Consequently, the proposal represents the provision of a replacement building which would not be in the same use as the existing building, and for that reason is considered to represent inappropriate development which is harmful by definition to the Green Belt and to which there is therefore an objection in principle.

The proposal is therefore considered to be contrary to Local Plan policies TC2 and DS18 and the NPPF.

The Impact on Landscape and Heritage Assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. 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 193 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 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

Kenilworth Neighbourhood Development Plan (KNDP) policy KP13 states that development proposals should achieve a standard of design that is appropriate to the local area; heritage assets and their settings in the locality must be respected in accordance with their significance.

Local Plan Policy NE4 states that new development will be permitted that positively contributes to landscape character. Development will be required to consider its landscape context, including the local distinctiveness of the different natural and historic landscapes and character; aim to either conserve, enhance or restore important landscape features in accordance with the latest local and

national guidance; and, avoid detrimental effects on features which make a significant contribution to the character, history and setting of an asset.

There have been a number of objections from members of the public, the Town Council and Castle Farm Action Group who consider that the proposal would have a harmful impact on heritage assets and the character and appearance of the rural area. The Castle Farm Action Group consider that views from public footpaths would be spoilt as a result of the proposed development. Kenilworth Town Council consider that the polytunnel affects views both to and from the Castle and has a significant impact on the scheduled monument. The Town Council also consider that the proposal is in breach of policy KP13 as the development is inconsistent with the Conservation Area, uniformly residential in character and introduce a higher intensification of the use into the area.

Supporters of the proposal consider that the development would not have a harmful impact on heritage assets and the rural landscape, stating that the plans are in keeping with the area and the impact will be low. Supporters suggest that soon the site will be surrounded by a Sports Complex, and the site context has already changed such that the development will add to the character of the rural area.

The stable building is isolated from the nearest existing dwelling 'Green Bank', which stands at the end of a line of existing residential development close to the south-eastern tip of the designated area. In the previous appeal decision, the Inspector considered that as the stable building is immediately adjacent to the Castle's defensive works, the changes to the outdoor area would be damaging to the setting of the Ancient Monument, Registered Park and Garden and Conservation Area. Whilst this proposal is materially different to the previous applications (which have been for housing), the principle of making alterations to the outdoor areas would still apply.

The proposed development provides parking for 13 cars (or potentially more) in front of the application property and a seating area which has a domestic appearance. The addition of fencing, a poly tunnel and raised beds and increased hardstanding on the site, culminates in a considerable increase of massing on the site. The design of the new structure appears relatively domesticated, including a chimney and various window openings, and the use of solid materials including brickwork and steel roof does little to take account of the site's agricultural setting. The proposed fencing around the site, located on the boundary with both the Grade II* Registered Park and Garden and SAM site, severely restricts the openness of the site both to and across the Brays (remnants of major outer defensive works of the Castle which forms an important historical and now natural boundary) and views to and from the fish pond (also forming part of the SAM and II* Park and Garden). This in effect results in a significant level of harm to designated heritage assets.

Historic England have commented on the application and note that the site lies immediately beside the Brays, the major outer defensive works of Kenilworth Castle, which is encompassed by multiple heritage designations. They consider that the rebuilding of the existing structure will change its character considerably and impact on the significance of the heritage assets by the change to their setting. Historic England identifies the importance of the site, noting that the site and the wider area of open ground to the south of the Brays forms an important

part of the setting of the medieval Castle. It is the open land which the Castle commanded as a part of its defences.

Although the earthworks are now mostly wooded they are much used by walkers and there are views both inwards and outwards, particularly when the leaves are off the trees in winter. Historic England have concerns that the replacement building will be visually of more permanent form (brick instead of weather boarding), and will change its character considerably. They go on to say that the activities associated with the proposed cafe and shop could be damaging to the setting of the heritage assets.

For example, it would not be desirable to allow the expansion of the activity as is very likely with the farm shop and cafe uses. Historic England conclude that two clear impacts of the scheme can be identified. Firstly, a direct one in terms of the use of the access across the monument through the Registered Park and Garden and the Conservation Area. Even if that can be prevented by closing off the road near to Brays car park, there will be an intensification of traffic and consequential track/highway improvements. Secondly, the proposals will affect the setting of the scheduled monument, the registered park and garden and the Conservation Area to the extent that they will cause harm to their significance by the increased presence of the building.

The CAF have also objected to the proposal, stating that the overall scheme is detrimental to the landscape, harmful to the setting of the Grade I listed Kenilworth Castle and Grade II* listed Registered Park and Garden with no sufficient public benefit which outweighs this harm. WCC Landscape have also objected, and consider that the proposal would be harmful to the Green Belt, historic Arden Parkland landscape character and setting of heritage assets.

English Heritage who manage Kenilworth Castle had objected to the scheme because of the proposed access which would lead through the Castle grounds and past the Brays Car Park to Castle Road. However, the proposed access has been amended to address the concerns expressed by English Heritage.

Officers therefore consider that the existing site, comprising of a dilapidated former stable, is of no architectural or historical significance so the principle of its demolition is not objected to. However, the proposal is considered to be harmful to the setting of the Castle and registered park and garden, and rural landscape. The level of harm, whilst significant, is considered to be less than substantial. However, there are no public benefits identified which would outweigh this harm. The proposal is therefore considered to be contrary to Local Plan policies BE1, NE4, HE1 and HE2, and KNDP policy KP13.

The impact on the living conditions of nearby dwellings

Local Plan policy BE3 requires development to not lead to an unacceptable adverse impact on the amenity or nearby users or residents, and to provide acceptable standards of amenity for future users/ occupiers of the development. Furthermore, the District Council has also adopted Supplementary Planning Guidance on Distance Separation Standards contained within the Residential Design Guide SPG which aims to limit the potential for over-development, loss of privacy and dominance over adjoining dwellings and secure a reasonable standard of amenity and outlook for local residents. KNDP policy KP13 states that

impact on residential amenity of existing and future residents must be assessed and address.

Supporters of the proposal consider that the development would have very little impact on nearby residents and that extra traffic will not add to the volume of noise already heard by nearby residents.

Objectors have concerns regarding the impact on neighbouring residential amenity, particularly in relation to increase in traffic, noise disturbance and loss of privacy. The Castle Farm Action Group consider that danger and nuisance from increased traffic outweighs any likely benefits to the community.

The building is sited over 70m from the nearest residential property which lies to the eastern side of the application site. Given the separation between surrounding buildings and the proposed structures, it is not considered that the proposal would result in an unacceptable loss of neighbouring amenity. The proposed use is not incompatible with another residential use.

Environmental Protection have been consulted as part of the proposal and recommend conditions relating to the development being carried out in accordance with the extraction details provided and limiting plant noise. These would be required in order to protect neighbouring residential amenity if the application were being approved.

Officers note the concerns raised by neighbours regarding the additional traffic movements. However, the site would be accessed via an already established access route which is lawful. It is unlikely that vehicles visiting the site would be travelling at high speeds and the number of additional visitors is not likely to be significant. This, coupled with the fact that the neighbours are separated from the access road by their gardens, leads Officers to conclude that there would no significant detrimental impact on neighbouring residential amenity which would warrant reason for refusal of the application.

For these reasons the proposal is considered to comply with Local Plan policy BE3, KNPD policy KP13 and the Residential Design Guide SPG.

Highway Safety

Supporters consider that the proposal will enhance the walker and cycle routes and there is a suggestion of a roundabout to aid traffic calming.

Objectors to the proposal consider that the proposal provides inadequate access to the site, comment that the existing roads are in poor condition and the development would exacerbate this problem. Objectors have concerns regarding traffic management, highway and pedestrian safety impacts, and consider that the proposal provides inadequate parking. The CPRE consider that the road to the site is inadequate for the amount of traffic likely to use the cafe and shop. Kenilworth Town Council have objected to the proposal on the basis that the amended access is not considered to provide safe access to the site, nor alleviate serious road safety concerns. The Town Council consider that the lane is unsuitable for heavy traffic and HGVs and there would be highway and pedestrian safety issues.

WCC Highways have been consulted and have no objection to the proposed access arrangements and parking provision. WCC Highways state in their response that the Council Parking Standards require an A1 use class business to provide 1 space/14sq.m and an A3 use class business to provide 1 space/20sq.m. The development is required to provide 15 parking spaces in total. The applicant states within the Design and Access statement that 11 spaces and 3 disabled parking spaces will be provided. This would mean that there would be 1 parking space short of that required. The Highway Authority do not envisage the development being detrimental to the adjoining highway on this basis. They raise no concerns regarding the proposed access arrangements.

Officers have requested that Highways Officers make a site visit to address neighbours concerns regarding the proposed amended access arrangements and highway safety as the access arrangement have been revised since their comments were made. Members will be updated on this matter prior to the meeting.

Drainage and Flood Risk

The site is located within Flood Zone 1, which has the lowest probability of flooding. As the proposed building would not be materially larger than the existing, it is unlikely that this part of the proposal would have a detrimental impact on surface water drainage. The proposed tarmacked areas may however lead to additional surface water drainage. If the application were being approved, a condition could be attached for the provision of sustainable drainage details.

Ecological Impact

Supporters of the proposal consider that the wildflower meadow will encourage wildlife. However, objectors and the Castle Farm Action Group consider that the proposal would have a detrimental impact on protected species.

WCC Ecology have assessed the application and consider that a condition requiring hand stripping of the roof materials of the existing building and notes in reference to protected species would be appropriate. They have no objection to the proposals on this basis. If the application were being approved this condition and notes are considered to be acceptable and could be added. The development is therefore considered to be in accordance with Local Plan policy NE2 and the KNDP.

Archaeology

WCC Archaeology have assessed the application and note that the proposals lie adjacent to the outer defensive works of Kenilworth Castle which form part of the scheduled monument. They consider that there is potential for the proposals to encounter archaeological deposits associated with the outer defences of Kenilworth Castle, structural remains and other archaeological deposits such as pits, associated with medieval and later occupation of this area.

WCC Archaeology recommend that a condition is attached to any approval requiring a written scheme of investigation, a programme of evaluation works and a mitigation strategy. This is considered to be reasonable and could be added if the application were being approved. The proposal is considered to be in accordance with Local Plan policy HE4 and the KNDP.

Other Matters

Kenilworth Town Council consider that the proposal conflicts with KNDP policy KP10 because it would attract visitors to the area around the castle and would hinder connectivity between the castle and town centre. However, the proposals have been amended to avoid the public footpath running along the north of the site, so would not interrupt public rights of way between the castle and town centre. It is not considered that the proposal would be contrary to policy KP10 in this regard.

Members of the public have expressed concern that the proposed extraction equipment will be damaging to air quality. However, Environmental Health Officers do not share this concern. They have however requested that a condition be attached to any approval requiring that the proposed air quality mitigation measures in reference to additional vehicular traffic are secured. The measures proposed are the installation of electric vehicle charging points which could be secured by condition if the application were being approved.

Supporters of the proposal consider that the development will encourage healthy living and become a community hub; that the development may provide additional employment opportunities; that the cafe will provide a service to users of public footpaths and the bridle path; that the proposal provides income from Council Tax and Business Rates to the Council.

It is not considered however that a farm shop and cafe in this location would necessarily encourage healthy living and there is no evidence to suggest that the development would be used as a community facility. It is agreed that the proposal may present additional employment opportunities and provide other economic benefits, but owing to the scale of the development, these are likely to be only modest which would not outweigh the harm identified above. Whilst it is recognised that a cafe nearby to a public footpath may be desirable to some members of the public, this is not a material planning consideration and cannot be considered as a benefit in planning terms.

Objectors to the proposal express concern regarding the potential for use of the site for residential purposes in the future; consider that the development would be invasive to the local community; express concern regarding the impact on neighbouring farm / stables; that no details have been provided regarding the proposed heating; that the development would generate an increased risk of crime and anti-social behaviour; and, that the applicant has located bee hives such that they are likely to become a nuisance to neighbours.

Officers are only able to consider the proposed use of the site, and any future applications for change of use would have to be considered based on their own merits at that time. Officers have no reason to believe that the proposed development would be invasive on the local community; as detailed above, the proposal is considered to have an acceptable impact on neighbouring residential amenity. Officers have no reason to believe that in planning terms, the proposals would have a detrimental impact on the neighbouring stables or farm. Matters raised in reference to land ownership and clauses in reference to the sale of the site represent private legal matters and cannot be assessed as part of the application. However, the applicant has been made aware of comments made by

the owners of neighbouring sites in reference to discrepancies regarding land ownership for their consideration.

All comments received in reference to the application have been taken into consideration. It would be not appropriate that Officers consider them otherwise. There would be no requirement for the applicant to provide details of the heating for the proposed building and Officers have no reason to believe that there would be increased levels of crime or anti-social behaviour associated with the proposed use of the site. The location of the bee-hives is not a material planning consideration and cannot be assessed as part of the application.

CONCLUSION

The proposal is considered to represent inappropriate development within the Green Belt, which is harmful by definition, and contrary to Local Plan policy DS18 and the NPPF. The proposal would also be unacceptable in principle by virtue of the siting of new retail development outside of the town centre, which could be harmful to the vitality of the town centre and would be contrary to Local Plan policy TC2. The proposal is considered to have a harmful impact on the rural character of the area and on the setting of heritage assets, making the development contrary to Local Plan policies BE1, NE4, HE1 and HE2, and contrary to KNDP policy KP13. The benefits identified are not considered sufficient to outweigh the harm caused as a result of the proposed development. For these reasons, it is recommended that planning permission is refused.

REFUSAL REASONS

- 1 Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 states that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless the building in question is in the same use and not materially larger than the one it replaces. Warwick District Local Plan policy DS18 echoes this policy.

The proposed development would represent the provision of a new building within the Green Belt which, whilst not materially larger than the one it replaces, would not be in the same use. The proposal therefore compromises inappropriate development within the Green Belt to which is therefore an objection in principle. There are no very special circumstances identified which would outweigh this harm.

The proposed development is therefore considered to be contrary to the aforementioned policies.

- 2 Warwick District Local Plan 2011 - 2029 policy TC2 states that within the town centres, new retail development should be located as a first preference in the retail areas defined on the Policies Map. Where suitable sites are not available in the retail areas, sites on the edge of the retail areas will be considered and, if no suitable sites are available

in any of the preferred locations, out-of-centre sites will be considered.

The proposal would include the provision of a retail unit outside of the town centre. The applicant has not demonstrated that there are not any other suitable sites within the town centre or edge of retail areas that would be suitable for the proposed use and the proposal would therefore be harmful to the vitality of Kenilworth town centre.

The proposal is therefore considered to be contrary to the aforementioned policy.

- 3 Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for policy HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

Kenilworth Neighbourhood Development Plan (KNDP) policy KP13 states that development proposals should achieve a standard of design that is appropriate to the local area; heritage assets and their settings in the locality must be respected in accordance with their significance.

Local Plan Policy NE4 states that new development will be permitted that positively contributes to landscape character. Development will be required to consider its landscape context, including the local distinctiveness of the different natural and historic landscapes and character; aim to either conserve, enhance or restore important landscape features in accordance with the latest local and national guidance; and, avoid detrimental effects on features which make a significant contribution to the character, history and setting of an asset.

The proposed use and intensification of activities at the site, including the parking of vehicles and use of external areas for the consumption of food, combined with the proposed operational development including new buildings and structures, fencing, raised beds and hardstanding, along with the domesticated design of the new building at the site which would create a more permanent form of development and which fails to take into account its agricultural setting, would be damaging to openness, the setting and character of the Kenilworth Castle Scheduled Ancient Monument, the Grade II* Registered Park and Garden and the Kenilworth Conservation Area.

Whilst the extent of that harm is significant, it is considered to be less

than substantial and there are no public benefits which are considered to be sufficient to outweigh that harm.

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

Planning Committee: 23 April 2019

Item Number: 10

Application No: [W 19 / 0104](#)

Town/Parish Council: Leamington Spa

Case Officer: Rebecca Compton

01926 456544 rebecca.compton@warwickdc.gov.uk

Registration Date: 23/01/19

Expiry Date: 20/03/19

1 Clarendon Place, Leamington Spa, CV32 5QL

Erection of single storey rear extension and alterations (amendment to planning permission ref: W/18/0320) FOR Mr S Hain

This application is being presented to Committee as 5 letters of support have been received and the application is recommended for refusal.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal is for the erection of a single storey rear extension with glazed link.

THE SITE AND ITS LOCATION

The application property is a three storey, terraced Regency property located towards the junction where Clarendon Place meets Clarendon Square. The property is Grade II Listed and is located within the Royal Leamington Spa Conservation Area.

PLANNING HISTORY

W/18/0320 - Erection of a single storey rear extension - Granted

W/18/0321/LB - Erection of a single storey rear extension - Granted

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)

- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection, subject to acceptable impact on neighbouring properties.

WCC Ecology: Recommend note relating to nesting birds.

Public Response: 5 letters of support have been received and 1 letter of objection has been received with concerns over loss of light.

ASSESSMENT

Design and impact on the Listed Building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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 193 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.

Warwick District Local Plan Policy HE1 (protection of statutory heritage assets) states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

Planning permission and Listed Building Consent were recently granted for a similar proposal for a single storey rear extension with a depth of 5m. This scheme was reduced from 7m to 5m following concerns raised by the Conservation Officer. This application therefore seeks permission for a 7m deep rear extension as was originally submitted previously.

Paragraph 130 of the NPPF makes it clear that "Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme".

The key issue regarding the proposed extension is the proposed depth. At 7m, it would almost double the depth of the built form across the site and is of similar depth to the listed building. There is no precedent for an extension on this scale to any of the adjacent neighbouring properties. Although the extension is single

storey, the length at 7m is considered to be over dominant being approximately the same as that of the main listed building.

The proposed design also includes 6 continuous bi-folding doors which is not considered to respect the character of the Listed Building. The applicant has suggested this number could be reduced, however, as proposed it is considered excessive.

The Regency style properties in this area typically benefit from large courtyards to the rear. The proposed extension would significantly reduce the size of the courtyard area which is considered to be harmful to the character of the Listed Building and its setting.

The Conservation Officer has raised a strong objection to the proposal for the above reasons. Whilst the harm identified is considered to be less than substantial, it is considered that there are no public benefits which outweigh the harm.

As a result of the scale of the proposed extension, it is considered that it would have an adverse impact on the Listed building and Conservation Area and therefore does not comply with Policy HE1 and the NPPF.

Impact on the amenity of neighbouring properties

The proposed extension will not breach the Council's adopted 45° guideline to the neighbouring property at No.3 Clarendon Place and is therefore considered to not present any material harm to the amenity of those properties.

The rear amenity space for No.10 Clarendon Square would face onto the side of the proposed extension. Whilst there are no published distance separation guidelines for this arrangement, the impact on this property has been assessed. It is considered that as there is an existing high boundary wall between the two properties, the bulk of the extension will not be visible over the high boundary wall. The architect has confirmed the height of the boundary and that 0.5m of the proposed extension will be visible over the boundary wall. As such, it is considered that this would not result in material harm to the amenity of the occupiers of this property.

Therefore the proposed extension is considered to not present a negative impact upon the amenity of either neighbouring property in terms of loss of light and privacy and is considered to comply with Policy BE3.

Parking

The proposal will retain the existing parking space for one car that is accessed via the rear of the property.

Conclusion

The proposed extension is considered to over dominate the existing Listed Building by reason of its overall depth at 7m and is therefore not considered to respect the character of this listed building.

REFUSAL REASONS

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting. Furthermore, Policy HE2 of the Warwick District Local Plan 2011-2029 requires that development preserves or enhances the special architectural and historic interest and appearance of the District's Conservation Areas.

The proposal relates to a Listed Building within a Conservation Area and it is considered that the proposed extension would be detrimental to the character and appearance of both the building itself and the Conservation Area as a whole, by reason of its excessive depth and design.

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

Planning Committee: 23 April 2019

Item Number: 11

Application No: [W 19 / 0105/ LB](#)

Town/Parish Council: Leamington Spa

Registration Date: 23/01/19

Case Officer:

Rebecca Compton

Expiry Date: 20/03/19

01926 456544 rebecca.compton@warwickdc.gov.uk

1 Clarendon Place, Leamington Spa, CV32 5QL

Erection of a single storey rear extension and alterations (amendment to Listed Building Consent ref: W/18/0321/LB). FOR Mr S Hain

This application is being presented to Committee as 5 letters of support have been received and the application is recommended for refusal.

RECOMMENDATION

Planning Committee is recommended to refuse Listed Building Consent for the reasons set out at the end of the report.

DETAILS OF THE DEVELOPMENT

The proposal is for a single storey rear extension with glazed link.

THE SITE AND ITS LOCATION

The application property is a three storey, terraced Regency property located towards the junction where Clarendon Place meets Clarendon Square. The property is Grade II Listed and is located within Royal Leamington Spa Conservation Area.

PLANNING HISTORY

W/18/0320 - Erection of a single storey rear extension - Granted

W/18/0321/LB - Erection of a single storey rear extension - Granted

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection subject to acceptable impact on neighbouring properties.

Public response: 5 letters of support have been received and 1 letter of objection has been received with concerns over loss of light.

ASSESSMENT

Design and impact on the Listed Building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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 193 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.

Warwick District Local Plan Policy HE1 (protection of statutory heritage assets) states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

Planning permission and Listed Building Consent were recently granted for a similar proposal for a single storey rear extension with a depth of 5m. This scheme was reduced from 7m to 5m following concerns raised by the Conservation Officer. This application therefore seeks permission for a 7m deep rear extension as was originally submitted previously.

Paragraph 130 of the NPPF makes it clear that "Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme".

The key issue regarding the proposed extension is the proposed depth. At 7m, it would almost double the depth of the built form across the site and is of similar depth to the listed building. There is no precedent for an extension on this scale to any of the adjacent neighbouring properties. Although the extension is single storey, the length at 7m is considered to be over dominant being approximately the same as that of the main listed building.

The proposed design also includes 6 continuous bi-folding doors which is not considered to respect the character of the Listed Building. The applicant has suggested this number could be reduced, however, as proposed it is considered excessive.

The Regency style properties in this area typically benefit from large courtyards to the rear. The proposed extension would significantly reduce the size of the

courtyard area which is considered to be harmful to the character of the Listed Building and its setting.

The Conservation Officer has raised a strong objection to the proposal for the above reasons. Whilst the harm identified is considered to be less than substantial, it is considered that there are no public benefits which outweigh the harm.

As a result of the scale of the proposed extension, it is considered that it would have an adverse impact on the Listed building and Conservation Area and therefore does not comply with Policy HE1 and the NPPF.

Conclusion

The proposed extension is considered to over dominate the existing Listed Building by reason of its overall depth at 7m and is therefore not considered to respect the character of this listed building.

REFUSAL REASONS

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting. Furthermore, Policy HE2 of the Warwick District Local Plan 2011-2029 requires that development preserves or enhances the special architectural and historic interest and appearance of the District's Conservation Areas.

The proposal relates to a Listed Building within a Conservation Area and it is considered that the proposed extension would be detrimental to the character and appearance of both the building itself and the Conservation Area as a whole, by reason of its excessive depth and design.

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

Planning Committee: 23 April 2019

Item Number: 12

Application No: [W 19 / 0147](#)

Town/Parish Council: Kenilworth

Case Officer:

George Whitehouse

01926 456553 george.whitehouse@warwickdc.gov.uk

Registration Date: 31/01/19

Expiry Date: 28/03/19

10 Inchbrook Road, Kenilworth, CV8 2EX

Erection of a single storey rear and front extension. Raised roofline by 0.7m with 1no. front and 2no. rear facing dormer and addition of 5no. velux roof lights.
FOR Mr Connors

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

RECOMMENDATION

Grant

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a single storey rear and front extension. Raised roofline by 0.7m with 1no. front and 2no. rear facing dormer and addition of 5no. velux roof lights.

THE SITE AND ITS LOCATION

10 Inchbrook Road is a small bungalow on the northern side of the street which benefits from its full permitted development rights. This part of Inchbrook road is characterised by bungalow properties, many of which have been extended and altered including with raised ridge heights.

RELEVANT PLANNING HISTORY

W/16/0800: 41 Inchbrook Road. Proposed erection of single storey rear extension, single storey front extension, and increase in overall roof height by 0.85m, attaching to new roof over existing garage. Granted.

RELEVANT POLICIES

- National Planning Policy Framework
- [The Current Local Plan](#)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- [Guidance Documents](#)

- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Neighbourhood Plan
- Kenilworth Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council - No Objection

Public - 5 Letters of public objection based on impact on the street scene and loss of privacy

ASSESSMENT

Impact on the amenity of neighbouring uses.

Local plan policy BE3 states that development that has an unacceptable adverse impact on the amenity of neighbouring uses will not be permitted. Furthermore when assessing this application it is important to consider the other objectives of the Local plan including achieving good design and making the best use of land.

The proposals maintain a reasonable space between the dwellings which helps to minimise overlooking as well as not significantly affecting the levels of daylight to the properties. In addition to this there is no breach of the 45 degree guideline from any neighbouring dwellings.

The dormer windows, have been restricted in size, set back from the eaves as well as being set in from the edge of the roof. This is considered an adequate solution that protects neighbouring privacy by blocking views into the more private areas of the neighbours gardens closer to the rear of the dwelling. Some degree of overlooking must be expected in suburban layouts such as Inchbrook road. It is not considered the proposals represent an unacceptable loss of privacy to either neighbours garden area. In addition to this dormer windows could be erected on the rear elevation of this property under permitted development rights, without the need for planning permission. Since this is a genuine fallback position it should be afforded weight.

The proposed alterations have been designed to match with the existing depth of properties along Inchbrook road and would not significantly encroach beyond the main rear building line. There is a separation distance of 48m between the proposed first floor windows of 10 Inchbrook and first floor windows at 40 Highland Road. The Council's residential design guide details that the minimum distance separation of 22m between first floor bedroom windows is required in order to not adversely impact on privacy and outlook. Since the proposals are more than twice the minimum distance it is not considered that they adversely impact the amenity of the rear of properties along Highland Road.

It is considered that the proposals comply with local plan policy BE3, Warwick District Council's residential design guide and by virtue of its layout and design

have addressed the objections raised which are based on loss of privacy and amenity.

Design

Local Plan Policy BE1 states that development will be permitted where it positively contributes to the character and quality of its environment.

The design was amended from the original submission 1no. dormer was removed from the front elevation, because it was considered that this contributed to the view of an over developed site. The revised design is considered to represent a more appropriate design in the street scene more in keeping with the features of the immediate local area. Kenilworth Town Council did not object to either proposal.

The surrounding properties are detached and set back from the road frontage. However they all vary in terms of their general design and appearance ranging from bungalows both with and without dormer windows as well as two storey modern dwellings which are further towards the bottom of the road. The application dwelling is situated 9.5m away from the road frontage maintaining the area of landscaping to the front which is consistent with the general building line of Inchbrook Road. It is considered that the proposals add to the unique bungalow designs and positively contribute to the character and quality of the area. The features proposed have been inspired by other properties and use of materials along Inchbrook road as well as making better use of the site over and above the existing bungalow.

A number of objections submitted state that the raising of the ridge height would not be in keeping with the street scene. However there have been other applications along the street which have raised the ridge height more than what has been proposed in this application. In addition to this the proposals do not result in a view that would be un-expected or obtrusive given the street scene and the changes in levels from property to property moving down the hill.

In order to ensure the final built extensions maintain the highest possible quality it is considered necessary for a sample materials condition to be appended to any approval given.

It is considered the proposals comply with Local Plan Policy BE1, Kenilworth neighbourhood plan policy KP13 (general design principles) and overcome the objections based on impact to the streetscene.

Parking

The proposal increases the number of bedrooms from 2-3 therefore the parking provision as set out by Warwick District Councils parking standards has not changed from the existing. In any case the property comfortably fits 2 cars on the site which meets the criteria.

Summary

It is considered the proposals will positively impact the character and quality of the street scene as well as being designed in such a way which has reduced the impact on the amenity of neighbouring uses to an acceptable level considering the characteristics of the immediate area. The proposals comply with local plan policy BE1 and BE3, Kenilworth neighbourhood plan policy KP13 (general design principles) and Warwick District Council's residential design guide therefore it is recommended that Planning Committee grant this application.

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 22/11/18-02 Rev C, and specification contained therein, submitted on 28/02/2019. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

Planning Committee: 23 April 2019

Item Number: 13

Application No: [W 19 / 0148](#)

Town/Parish Council: Stoneleigh
Case Officer: Liz Galloway
01926 456528 Liz.galloway@warwickdc.gov.uk

Registration Date: 31/01/19
Expiry Date: 28/03/19

17 Stoneleigh Close, Stoneleigh, Coventry, CV8 3DE

Increase in ridge height by 1.4 metres to provide first floor accommodation and repositioned chimney. FOR Mr & Mrs B Allard

This application is being presented to Committee because comments in support have been received from 5 members of the public and the Parish Council, and the application is recommended for refusal.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

This application is a resubmission of a similar application which was refused last year. Amendments have been made to omit a single storey side extension. As before, the application seeks permission to add a first floor to the bungalow by raising the ridge height from 5.5m to 7m. Furthermore, the proposed first floor level has been reduced from 3 bedrooms to 2 incorporating a roof void above the kitchen/dining room. This has reduced the proposed floor space at first floor in comparison to the previous application, although the overall bulk of this element remains the same since the omission of the floorspace is only an internal change. A chimney is also proposed to be added to the property.

THE SITE AND ITS LOCATION

The application relates to a detached bungalow situated to the north west of Stoneleigh Close and is washed over by Green Belt. The site and the street are sloping, with the property in an elevated position compared to the entrance of its driveway and is also elevated in comparison to the properties on the opposite side of the street. It is at a similar level to that of the properties to either side.

The original property was built in the 1960's, and has since had a side extension which includes the utility, and a forward extension of the garage.

PLANNING HISTORY

W/18/0247 - Refused - Erection of first floor and ground floor side extension (resubmission of application ref: W/17/0517).

W/17/0517 - Refused and dismissed at appeal - Erection of first floor to bungalow and erection of single storey side extension

4133 - 1962 - Granted - Erection of bungalow and garage

4086 - 1961 - Granted - Erection of bungalow and garage

RELEVANT POLICIES

- National Planning Policy Framework
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Cllr Trevor Wright: Support, the proposals would be in accordance with the NPPF and is strongly supported by local residents and the Parish Council.

Cllr Pamela Redford: Support, the development will sit comfortably within the street scene.

Stoneleigh and Ashow Parish Council: Support.

WCC Ecology: Recommended bat note, bird note and reptiles and amphibians note

Public Responses: 12 letters of support, the proposal would have no harmful impact on amenity, would not represent a disproportionate extension within the Green Belt, would be acceptable in design terms and would provide a dwelling which meets the needs of the applicants.

ASSESSMENT

Whether the proposal is 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

Paragraph 79 of the NPPF notes that the Government attaches great importance to Green Belts. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 87). With a number of exceptions, the construction of new buildings (including extensions) is inappropriate development (paragraph 89). Among the

exceptions is “the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”.

The explanatory text to Local Plan Policy DS18 states that the meaning of the exception in relation to disproportionate extensions is expanded upon by Local Plan Policy H14. Policy H14 states that extensions to dwellings will be permitted unless they result in disproportionate additions to the original dwelling which do not respect the character of the original dwelling; do not retain the openness of the rural area; or substantially alter the scale, design and character of the original dwelling. Policy H14 goes on to indicate that an extension of more than 30% of the gross floor space of the original dwelling is likely to be considered disproportionate in the Green Belt.

The total original floor space of the application property is calculated to be 157.53 sqm. The non-original existing garage extension amounts to 11 sqm. The first floor extension now proposed amounts to 90 sqm. This represents a cumulative increase of 101 sqm, which amounts to a 64.5% increase in the floor area of the dwelling. This is well in excess of the 30% limit in Policy H14 and therefore is considered to be a disproportionate addition to the dwelling. The proposal is therefore inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. In accordance with the NPPF, this harm must be afforded significant weight.

It is noted that the applicant considers the increase in floor area to be only 34.5%. The difference between this and the figure quoted above is due to the way that the first floor roof void has been dealt with. The applicant’s figures discount this from the calculations. However, it is considered that this area should be included, since the significant increase in the height of this part of the building impacts on the overall bulk and mass of the building and consequently on the openness of the Green Belt. Furthermore, a first floor could be added internally in this part of the building at a later date without the need for planning permission.

In any case, it is notable that the Inspector for the previous appeal relating to this site took account of the increase in the height and volume of the building as well as the increase in floorspace. It was the combination of the increase in floorspace and the increase in height and volume that lead him to conclude that those previous proposals would amount to a disproportionate addition. In this regard it is notable that the proposed increase in ridge height remains similar in the current scheme, albeit the increase in eaves height has been reduced by 1.5m. Nevertheless, there remains a significant increase in the height and volume of the building, amounting to a whole additional floor of development.

For these reasons it has been concluded that the proposals amount to inappropriate development that would reduce the openness of the Green Belt. No very special circumstances have been presented which outweighs the conflict with Green Belt policy or the harm identified.

Impact on Neighbour Amenity

In terms of overlooking, the proposed first floor roof lights belonging to the bedrooms and bathrooms could be conditioned to be obscure glazed to prevent overlooking. Further rooflights are proposed to be installed in part of the roof as a light inlet to a vaulted ceiling. Given the significant height of these above floor level they would have no impact on the adjacent neighbours and, as such, the proposal would not result in material harm by reason of overlooking and loss of privacy.

The existing bungalow does breach the 45 degree guideline to windows belonging to nos. 16 and 18 Stoneleigh Close, however, both these neighbours have secondary light sources into the relevant rooms and the breach is a sufficient distance away. Therefore, it is considered that the proposal does not significantly impact on the adjacent neighbours so as to warrant a refusal based on harm to neighbouring amenity. The proposal is thus in accordance with Local Plan Policy BE3.

Summary/Conclusion

The proposal would constitute a 64.5% increase in the floor area of the house as originally built and would add a whole additional floor of development. It is therefore considered to result in disproportionate additions which are inappropriate within the Green Belt, harmful by definition, and by reason of harm to openness. The addition of the first floor will substantially increase the bulk and mass of the dwelling. Therefore the proposals are contrary to the NPPF and Local Plan Policies DS18 and H14.

REFUSAL REASONS

- 1 The application property is within the Green Belt, wherein the 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 the NPPF which states that the limited extension of existing dwellings in Green Belt areas may be appropriate provided that it does not result in a disproportionate addition over and above the size of the original dwelling. Policy H14 of the Warwick District Local Plan 2011-2029 defines disproportionate as in excess of 30% of the floor area of the original dwelling.

The proposals would constitute a 64.5% addition to the floor area of the house as originally built and would add a whole additional floor of development. It is therefore considered to result in disproportionate additions which are inappropriate within the Green Belt, harmful by definition, and reducing the openness of the Green Belt.

It is considered that the proposed development would radically alter the scale and character of the original dwelling, thus constituting an undesirable extension and consolidation of a residential property likely to affect detrimentally the character of this rural locality, thereby constituting inappropriate development conflicting with the aims of Green Belt and Local Plan policy.

No very special circumstances have been presented which outweigh the

harm identified.

Planning Committee: 23 April 2019

Item Number: 14

Application No: [W 19 / 0183](#)

Town/Parish Council: Kenilworth

Case Officer:

George Whitehouse

01926 456553 george.whitehouse@warwickdc.gov.uk

Registration Date: 06/02/19

Expiry Date: 03/04/19

1 Convent Close, Kenilworth, CV8 2FQ

Demolition of existing car port and erection of single storey rear and side and two storey rear extension. FOR Mr L Barr

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

RECOMMENDATION

Grant

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a two storey rear and single storey rear and side extension.

THE SITE AND ITS LOCATION

1 Convent Close is a corner plot which faces the access road off Coventry road. The site has a side garden and backs on to the side of number 3. The Eastern side of Convent Close is characterised by detached properties with single storey flat roofed side extensions.

PLANNING HISTORY

None relevant

RELEVANT POLICIES

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

- Neighbourhood Plan
- Kenilworth Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council - Objects based on the proposals being contrary to KNP 13 general design principles.

Warwickshire County Council Ecology - Recommended notes relating to protected species.

Public - 4 Public objections based on harm to the street scene and loss of amenity.

- 1 Public letter of support.

ASSESSMENT

Design and Impact on the street scene

Local Plan Policy BE1 states that development will be permitted where it positively contributes to the character and quality of its environment.

Kenilworth neighbourhood plan policy KP13 B (general design principles) state that development should demonstrate regard for the site characteristics and surroundings.

The design was amended from the original submission which was not considered to be an appropriate design in the context of the street scene. The primary amendment between the two submissions was that the single storey rear extension is now flat roofed and the gable wall of the two storey rear extension is set 1m from the boundary.

Since the rear of 1 Convent Close backs onto the side of 3 Convent close it is appropriate to consider guidance which relates to side extensions in order to protect the street scene character of detached dwellings. Warwick District council's residential design guide page 41 details that all two storey side extensions should maintain a minimum separation gap of 1m from the gable wall to the common boundary. The guidance also states that ground floor extensions can be erected up to the common boundary. This would mean a minimum gap of 2m between neighbouring dwellings at first floor would be maintained which is considered to protect the character of the area and protect against any future terracing effect. As amended the proposals comply with these requirements. In addition to this, while some properties along Convent Close do have significant gaps to the boundaries, there is not considered to be a uniform rhythm or size which is the prevailing distance between developments.

The amended proposals will be situated on the rear of the property and will be visible within the street scene, however, the extension will be subordinate to the existing property being set down from the dominant roof level and set back from the front elevation, thus creating a subservient form of extension which respects the character of the existing dwelling. It can be said that the replacement of the

delapidated car port and erection of a modern subservient extension is an improvement to the overall street scene.

It is therefore considered that the amended proposals are compliant with Local Plan Policy BE1, the Kenilworth Neighbourhood Plan Policy KP13B (general design principles) and Warwick District Council's adopted Residential Design Guide.

Impact on the amenity of Neighbouring uses.

Local plan policy BE3 states that development that has an unacceptable adverse impact on the amenity of neighbouring uses will not be permitted.

Kenilworth neighbourhood plan policy KP13 B & C (general design principles) state that development should demonstrate regard for the amenity of existing and future residents.

The proposals maintain a reasonable space between the neighbouring dwellings. The subservient design will not significantly affect the levels of daylight to the neighbouring properties. In addition to this, the site is on a lower ground level than the neighbour and there is no breach of the 45 degree guideline in relation to any neighbouring window.

It is not considered that an unacceptable loss of amenity will be the result of this application. The proposals therefore comply with Local Plan Policy BE3 and Kenilworth Neighbourhood Plan Policy KP13 B & C (general design principles).

Parking

The proposal would increase the number of bedrooms from 3 to 4 however there is room for 3 cars on the site and therefore the proposal complies with Warwick District Council's adopted Parking Standards.

Summary

It is considered that the proposed development complies fully with the Kenilworth Neighbourhood Plan policy KP13 B & C (general design principles), the Warwick District Council Local Plan Policies BE1 and BE3 and The Warwick District Council's adopted Parking Standards and Residential Design Guide. It is therefore recommended that Planning Committee approve this application.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
 - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 1836/P/01C, 1836/P/02A, 1836/P/03B and 1836/P/04A and specification contained therein, submitted on 19/03/2019. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
-

Planning Committee: 23 April 2019

Item Number: 15

Application No: [W 19 / 0327](#)

Town/Parish Council: Lapworth

Registration Date: 22/02/19

Case Officer:

Rebecca Compton

Expiry Date: 19/04/19

01926 456544 rebecca.compton@warwickdc.gov.uk

Pinners Cottage, Old Warwick Road, Lapworth, Solihull, B94 6AZ

Erection of single storey side extension FOR Mr I Fernie

This application has been requested to be presented to Committee by Councillor Gallagher

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal is for the erection of a single storey side extension.

THE SITE AND ITS LOCATION

The application site relates to a detached dwelling, located on the south west side of Old Warwick road in Lapworth. The property is within the Green Belt and benefits from a number of extensions over time. The site is also situated in the Canal Conservation Area.

PLANNING HISTORY

W/78/0939 - Erection of a two storey side extension - Granted

W/78/1398 - Erection of a two storey extension - Granted

W/83/1239 - Erection of a cloakroom and kitchen extension - Granted

W/89/0446 - Erection of a conservatory with link to laundry room and first floor rear extension - Granted

W/94/0884 - Erection of a first floor rear extension - Granted

W/17/1837 - Erection of 200mm flat roof extension to conservatory to north west elevation to incorporate new doorway, single storey rear extension for W.C., single storey front extension and new access – Withdrawn following concerns from officers that the extension was a disproportionate addition

W/17/2424 – Application for a Lawful Development Certificate for proposed erection of a single storey side extension - Lawful
W/18/0364 – Formation of new access and closing of existing - Granted

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Lapworth Town Council: No objection.

Cllr Gallagher: Supports the application.

ASSESSMENT

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

Paragraph 145 of the National Planning Policy Framework makes it clear that the construction of new buildings is to be regarded as inappropriate development in the Green Belt. An exception to this include extensions to existing buildings which are not disproportionate additions over and above the size of the original building.

The supporting text to Policy H14 of the adopted Local Plan states that development which would represent an increase of more than 30% of the gross floor space of the original dwelling (excluding any detached buildings) located within the Green Belt is likely to be considered disproportionate.

The floor area of the original dwelling was approximately 91 square metres. The proposed extension (including existing extensions) amounts to a floor area of approximately 233 square metres which equates to 256% over the floor space of the original building. This is significantly greater than the Council's adopted Local Plan guidance of 30% and is therefore considered to represent a disproportionate addition to the property, which is harmful by definition and by reason of harm to openness. It is considered that it would not be appropriate to grant planning permission for any further additions to this property.

No very special circumstances have been presented which would outweigh the harm identified. The proposed development is therefore considered to conflict with the NPPF and Local Plan Policy H14.

Design and the impact on the character and appearance of the Conservation Area

The application site is situated within the Warwick District Canal 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 193 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 195 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or if criteria listed within the policy have been satisfied. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposed single storey extension is not considered to harm the character of this part of the Conservation Area and is therefore considered to comply with Local Plan Policy HE1 and the NPPF.

Impact on the amenity of the neighbouring properties

There are no nearby neighbouring properties that would be impacted by the proposed development. The proposal is therefore considered not to result in material harm to the living conditions of the occupiers of the neighbouring properties by reason of loss of light or outlook.

The proposal is considered to comply with Local Plan Policy BE3.

Summary/Conclusion

The proposed development would represent a disproportionate addition to the application property which therefore means that the proposal constitutes inappropriate development in the Green Belt which is harmful by definition. It would also be harmful by reason of harm to openness.

REFUSAL REASONS

- 1 In the opinion of the Local Planning Authority, the proposed development represents a disproportionate addition to the original building and therefore constitutes inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified.

The proposed development is therefore contrary to the National Policy Framework and to Policy H14 of the Warwick District Local Plan 2011-2029.

Application No: [W 19 / 0360](#)

Town/Parish Council: Warwick
Case Officer: Dan Charles
01926 456527 dan.charles@warwickdc.gov.uk

Registration Date: 12/03/19
Expiry Date: 11/06/19

Land North of, Gallows Hill, Warwick CV34 6SJ

Application for Variation of Condition 5 (access) 11 (lighting scheme) and 22 (fire hydrants) of planning permission W18/1619 FOR Galliford Try Partnerships West Midlands

The application is being referred to Committee as Warwick District Council have an interest in the land.

RECOMMENDATION

That the Variation of Conditions application is GRANTED.

DETAILS OF THE DEVELOPMENT

This application is made under section 73 of the Town and Country Planning Act 1990 that relates to the determination of applications to develop land subject to revised condition wording.

In deciding an application under Section 73, the Local Planning Authority must only consider the conditions that are the subject of the application and it is not a complete re-consideration of the application. In this case the applicant is seeking a variation to the wording of 3 conditions through the use of a Section 73 application

On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

This application seeks the variation of conditions 5, 11 and 22 that relate to the access onto Europa Way, details of lighting and details of fire hydrants. The key change to Condition 5 (access) is to omit the reference to the plan for the access as this is currently subject to amendments in consultation with the County Highways Authority.

The changes to conditions 11 and 22 relate to the trigger point for the provision of the details of the lighting and hydrant positions. There is no change to the requirement to submit details for approval, it is merely the point at which the details are to be submitted. It is requested that these details be provided prior to first occupation rather than prior to commencement.

THE SITE AND ITS LOCATION

The application site is situated adjacent to the edge of the urban area of Warwick. The site measures 24 hectares and is currently in agricultural use.

The site forms part of housing allocation H01 "Land West of Europa Way" in the Local Plan together with a further, roughly triangular shaped parcel of agricultural land and further land to the north that forms the overall H01 housing allocation in the Local Plan.

The eastern boundary is formed partly by Europa Way, with the Tachbrook Park employment area situated on the opposite side of Europa Way. The southern boundary of the site adjoins Gallows Hill, with further residential development land beyond. The western boundary of the site adjoins Warwick Technology Park and the dwelling at Heathcote Hill Farmhouse, a Grade II Listed Building.

PLANNING HISTORY

W/19/0346 - Reserved Matters application for the development of 375 dwellings, green spaces, road, footways and ancillary works in pursuance of outline planning permission W/14/0967 (outline for up to 425 Residential dwellings, varied by W/18/1619) – **Pending Consideration**

W/18/1619 - Variation of conditions 6, 7, 8, 10, 11, 12, 15, 16, 17, 19, 22, 23, 30 and 31 attached to planning permission W/17/0988 to allow for conditions to be discharged for separate phases of development across the site – **GRANTED 23.11.2018**

W/17/0988 - Variation of Condition 5 (Access) and 13 (energy statement submission) of planning permission W/14/0967 to allow the site access from Gallows Hill to be as drawing number C17165/700/P1 and to exclude the need for an energy assessment to demonstrate 10% renewable energy resources – **GRANTED 25.08.2017.**

W/14/0967 - Development of up to 425 residential dwellings (Use Class C3), medical centre, community hall, formal and informal green spaces, sports and recreation provision, structural landscaping, new roads, footpaths and cycle ways, site access and ancillary works (outline application including details of access) – **GRANTED 03.04.2015.**

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- DS12 - Allocation of Land for Education (Warwick District Local Plan 2011-2029)
- DS13 - Allocation of Land for a Country Park (Warwick District Local Plan 2011-2029)
- DS14 - Allocation of Land for Community Hub (Warwick District Local Plan 2011-2029)
- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TR4 - Safeguarding for Transport Infrastructure (Warwick Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS5 - Directing Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029)

- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- DM2 - Assessing Viability (Warwick District Local Plan 2011-2029)

Guidance Documents

- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Open Space (Supplementary Planning Document - June 2009)
- Parking Standards (Supplementary Planning Document)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Warwickshire Landscape Guidelines SPG

SUMMARY OF REPRESENTATIONS

Warwickshire Fire and Rescue: No objection.

ASSESSMENT

History/Background

As the principle of residential development on this site has been established under W/14/0967 and the later variation of condition applications (reference W/17/0988 and W/18/1619) the permission is extant, there is no requirement to re-assess the principle for this proposal.

Consideration of proposed variations

The current condition 5 (access) states;

"The vehicular access from Europa Way shall be constructed in strict accordance with drawing no. 32662-LEA122b, submitted on 20 June 2014. The vehicular access from Gallows Hill shall be constructed in strict accordance with drawing no. C17165/700/P1, submitted on 26 May 2017."

The revised condition is proposed to read;

"The vehicular access from Gallows Hill shall be constructed in strict accordance with drawing no. C17165/700/P1, submitted on 26 May 2017. No works shall take place on the vehicular access from Europa Way until a detailed plan has

been submitted to and approved in writing by the Local Planning Authority in consultation with Warwickshire County Council Highways."

The predominant requirement for varying the condition is to provide flexibility for the provision of the proposed access detail onto Europa Way. The current scheme references a specific plan but this is currently subject to separate negotiation with the County Highways Authority and is therefore likely to be amended.

The omission of the plan reference number would allow flexibility in submitted the final design without having to vary the condition again once the final scheme is finalised with the County Highways Authority.

Officers are therefore satisfied that as the scheme is being designed in conjunction with the County Highways Team, the final plan would not be subject to any highway safety implications. It is also noted that the final plan would still need to be signed off by the County Highways Officer in order to formally discharge the planning condition.

Condition 11 (lighting scheme) currently reads;

"No phase of development shall commence under any reserved matters consent until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, 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 energy LED lighting 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; and*
- (d) connections to areas important for foraging should contain unlit stretches.*

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details."

The revised condition is proposed to read;

"No dwellings on any phase of development shall be occupied until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, 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 energy LED lighting 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; and*

(d) connections to areas important for foraging should contain unlit stretches.

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details."

Condition 22 (hydrants) currently reads;

"No phase of development shall commence under any reserved matters consent until a scheme for that phase 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."

The revised condition is proposed to read;

"No dwelling shall be occupied on any phase of development until a scheme for that phase 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"

The only change to Conditions 11 and 22 is the trigger point. The current requirement is to submit the details prior to commencement. However, the final scheme is currently being designed. The revised trigger point would be to provide the details prior to the first occupation of any dwellings. This would allow works to be carried out and the scheme designed around the dwellings. The proposed revision would still require a fully detailed scheme and would not dilute or diminish the schemes to be submitted which would be subject to assessment by the relevant bodies before approval.

The revisions to the conditions would not alter the required information to be submitted in pursuance of the application, it would just be purely to allow the delivery of the site to come forward in an appropriate manner to avoid delays.

The reasons for the conditions would remain as originally imposed.

Assessment of previously imposed conditions

The granting of a Section 73 application grants a new planning permission for the development. Therefore, an assessment of previously imposed conditions is required to determine if they remain relevant to the application. Any conditions considered still relevant shall be carried forward and amended if necessary to reflect the updated planning permission.

The remaining conditions have been subject to an earlier Section 73 application under reference W/18/1619.

Two conditions have been discharged namely the Design Code and Masterplan submissions for the land to the East of the Spine Road. These conditions have therefore been updated to be in accordance with the details submitted.

Due to the change in condition wording, the conditions in question have been amended within the list of conditions as the format of the decision notice is that pre-commencement conditions are listed first. Therefore, the following changes should be noted;

Condition 5 (access) as re-worded remains in situ.

Condition 6 (Design Code – East) has been discharged so becomes Condition 23.

Condition 8 (Masterplan – East) has been discharged so becomes Condition 24.

Condition 11 (lighting) becomes a pre-occupation condition so becomes Condition 25.

Condition 22 (hydrants) becomes a pre-occupation condition so becomes Condition 26.

All remaining conditions have been renumbered accordingly to account for these changes.

With regards to the outstanding conditions, there have been no material changes in circumstances since the grant of this application and all remaining conditions remain undischarged. Officers therefore recommend that the conditions be carried forward as originally imposed.

Other Matters

Section 106 Agreement

The existing Section 106 Agreement contains a clause that allows for Section 73 Variations without the need for a Deed of Variation to the existing Section 106 Agreement.

Conclusion

The proposal to vary the conditions has been discussed with the applicants to agree the general wording of the conditions to ensure that the development comes forward in an appropriate manner.

The revised wording of the conditions does not undermine or diminish the requirement of the conditions and the details will be provided accordingly.

No objection is therefore raised to the proposed variation of the conditions.

CONDITIONS

- 1 This permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-
 - (a) layout
 - (b) scale
 - (c) appearance
 - (d) landscaping

REASON : To comply with Section 92 of the Town and Country Planning Act 1990 as amended.

- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than eight years from 3 April 2015 as the date of the original 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 development hereby permitted shall be carried out substantially in accordance with the details described in the Design and Access Statement and as shown on the building heights plan 32662-LEA149b, and specification contained therein, submitted on 20 June 2014 and 20 February 2015. For the avoidance of doubt, drawing nos. 32662-LEA146c & 32662-LEA146d (illustrative masterplans) have been considered as being for illustrative purposes only and therefore are not approved. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029. The application is in outline with all matters (save access) reserved and the local planning authority wishes to ensure that those details that have not yet been submitted are appropriate for the locality in terms of visual and residential amenity and reflect the scale and nature of the development assessed in the submitted Environmental Statement.
- 5 The vehicular access from Gallows Hill shall be constructed in strict accordance with drawing no. C17165/700/P1, submitted on 26 May 2017. No works shall take place on the vehicular access from Europa Way until a detailed plan has been submitted to and approved in writing by the Local Planning Authority in consultation with Warwickshire County Council Highways **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1, BE3 and TR1 of the Warwick District Local Plan 2011-2029.
- 6 No reserved matters application for any residential phase of the development to the western side of the proposed spine road shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Design Code for that phase of the approved development. Thereafter, should a scheme for residential development come forward on land to the west of the spine road, the development shall be in general accordance with any Design Code approved for the land to the east of the Spine Road unless otherwise agreed in writing.

This Design Code shall be in accordance with the principles and parameters as set out within the Design and Access Statement and plans referred to in condition 4 above and the Council's guidance

entitled "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012" (and any subsequent revision and/or approved plans/strategy available at the time).

The Design Code shall include the following matters:

- a hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas);
- development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);
- building types;
- building heights;
- the means to accommodate the parking of vehicles and cycles;
- sustainable Urban Drainage features;
- key spaces, open spaces and green features;
- architectural language and detailing;
- design principles for street tree planting and other structural landscaped areas;
- design principles for hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long term management;
- design principles for waste disposal and recycling;
- design principles for the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures;
- design principles for street lighting and any other lighting to public space (including parking areas);
- a regulating plan on an ordnance survey base at a scale no greater than 1:1250; and
- a mechanism for periodic review and refinement if necessary of the approved Design Code.

All reserved matters applications shall accord with the approved Design Code.

REASON: In the interests of good urban design and a comprehensively planned development in accordance with the NPPF and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029.

- 7 No reserved matters application for any phase of the development to the western side of the proposed spine road shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Masterplan for that phase of the approved development. The Masterplan shall be in accordance with all of the following:

- the approved Design & Access Statement and building heights plan referred to in condition 4;
- the principles set out in the Council's guidance entitled "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012" (or any subsequent revision and/or approved

- plans/strategy available at the time); and
- the Site-wide Design Code to be approved under condition 6.

The Master Plan shall include the following:

- illustrative details of how the proposed layout of development has been designed with due regard to the surrounding urban and rural context;
- landform topography as existing and proposed;
- a land use plan and character areas (including densities and building heights);
- movement corridors within the site (including principal roads, public transport corridors, footpaths, cycleways and green corridors) including a demonstration of how these relate to existing movement networks in the wider area;
- location of any areas for off-street car parking courts;
- key infrastructure (including SUDs, significant utility provision, schools, district/local centres);
- landscape corridors and open space networks;
- public open space;
- housing mix including tenure and size of dwelling;
- location of affordable housing;
- street tree planting and other structural landscape areas;
- hard and soft landscaping treatments;
- street lighting arrangements and any other lighting to public space;
- a phasing plan including triggers for delivery of key elements of supporting infrastructure; and
- a statement explaining how the development proposals accord with the principles set out in the Site-wide Design Code.

REASON: In the interests of good urban design and a comprehensively planned development in accordance with the NPPF and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029.

- No development for any phase of the development shall commence until a construction phasing plan has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the phases established in this approved phasing plan. **REASON:** To ensure the proper phasing of the development.
- No phase of development shall take place until a Protected Species Contingency Plan for that phase has been submitted to and approved in writing by the local planning authority. The Plan shall include a detailed badger strategy (including mitigation, compensation and monitoring as deemed appropriate) by a suitably qualified badger consultant. The Protected Species Contingency Plan shall include timescales for the works and proposals for on-going monitoring. The approved Protected Species Contingency Plan shall be implemented in strict accordance with the approved details and timescales. **REASON :** To ensure that protected species are not harmed by the development, in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029.

- 10 No phase of development hereby permitted (including demolition) shall commence until a Construction and Environmental Management Plan for that phase has been submitted to and approved in writing by the local planning authority. In discharging this condition the local planning authority expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation 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 Policy NE2 of the Warwick District Local Plan 2011-2029.
- 11 No phase of development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan for that phase has been submitted to and approved in writing by the local planning authority. The plan must include details of planting and maintenance of all new planting. Details of species used and sourcing of plants must be included. The plan must also include details of habitat enhancement/creation measures and management, such as ponds, wildflower grasslands and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To meet the requirements of the NPPF in terms of biodiversity impact.
- 12 No phase of development shall commence under any reserved matters consent until a scheme for that phase 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 HS7 of the Warwick District Local Plan 2011-2029.
- 13 No phase of development shall commence on any reserved matters consent for that phase until a Tree Retention and Removal Plan identifying existing trees, shrubs and hedgerows to be retained for that phase has been submitted to and approved in writing by the local planning authority. The existing trees, shrubs and hedgerows shown to be retained on this plan shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedgerows 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 trees, shrubs or hedgerows of such size and species details of which must be submitted to and approved by the local planning authority. All trees, shrubs and hedgerows shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant

amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

- 14 No phase 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 that phase 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, a Guide for Trees in relation to 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:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029.
- 15 No phase of the development hereby permitted shall commence until: -
- (1) (a) A site investigation has been designed for that phase using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This must 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 relating to groundwater and surface waters associated on and off site that may be affected
 - 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 for that phase shall accord with the approved method statement.
- (3) If during development, contamination not previously identified, is found to be present within that phase then no further development shall take place (unless an addendum to the method statement, detailing how the unsuspected contamination shall be dealt with, has been submitted to and approved in writing by the local planning authority). 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 BE3, NE4 & NE5 of the Warwick District Local Plan 2011-2029.

- 16 No phase of development shall commence under any reserved matters consent until a scheme for that phase detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 17 No phase of the development (including any works of demolition) shall commence until a construction method statement for that phase 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 anticipated movements of vehicles; the routing of delivery vehicles; 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; measures to limit noise and disturbance; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 & NE5 of the Warwick District Local Plan 2011-2029.

- 18 No phase of development shall commence under any reserved matters consent until a Low Emission Strategy for that phase 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 NE5 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF 2012.
- 19 The development of each phase shall be carried out in strict accordance with the details of surface and foul water drainage works for that phase 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 FW2 of the Warwick District Local Plan 2011-2029.
- 20 No phase of development shall commence under any reserved matters consent until a scheme for that phase has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. The scheme shall include the following:
- proposals to limit post-development runoff volumes and peak flow rates to the Greenfield discharge rate for all rainfall return periods up to and including a 1 in 100 year plus 30% (for climate change) event;
 - attenuation designed to accommodate a 1 in 100 year plus 30% (for climate change) event;
 - further detail on the implementation of SUDS; and
 - a demonstration that there will be no above ground flooding up to and including the 1 in 30 year rainfall event.

The approved drainage systems shall thereafter be installed in strict accordance with the approved details and timescales. The approved drainage systems shall be retained at all times thereafter and shall be managed and maintained in strict accordance with the approved details.

REASON: To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies FW2 & NE4 of the Warwick District Local Plan 2011-2029.

- 21 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 for that phase shall be submitted to and approved in writing by the local planning authority;
 - (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;
 - (c) a report detailing the results of this fieldwork shall be submitted to and approved in writing by the local planning authority; and
 - (d) an Archaeological Mitigation Strategy document shall be submitted to and approved in writing by the local planning authority. This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation. No development shall take place until all fieldwork detailed in the approved Archaeological Mitigation Strategy has been completed in strict accordance with the approved details. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Archaeological Mitigation Strategy.
- 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 where applicable, before development commences in accordance with Policy HE6 of the Warwick District Local Plan 2011-2029.
- 22 No development shall commence until details of a dedicated cycle path along the spine road to connect with the proposed cycle path along the spine road for the development to the north have been submitted to and approved in writing by the local planning authority. The dedicated cycle path shall thereafter be constructed with the spine road in strict accordance with the approved details. **REASON :** To ensure adequate provision for cycling, in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 23 All reserved matters applications for any residential phase of the development to the eastern side of the proposed spine road shall be carried out strictly in accordance with the Design Code Revision A Document submitted on 14 December 2018 and approved on 20 December 2018 unless otherwise agreed in writing by the Local Planning Authority through the submission of a revised Design Code document. **REASON:** In the interests of good urban design and a comprehensively planned development in accordance with the NPPF and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029.
- 24 All reserved matters applications for any residential phase of the development to the eastern side of the proposed spine road shall be

carried out in general accordance with the Masterplan Drawing reference 3602/010 submitted on 6 December 2018 and approved on 20 December 2018 unless otherwise agreed in writing by the Local Planning Authority through the submission of a revised Masterplan document. **REASON:** In the interests of good urban design and a comprehensively planned development in accordance with the NPPF and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029.

- 25 No dwellings on any phase of development shall be occupied until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, 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 energy LED lighting 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; and
- (d) connections to areas important for foraging should contain unlit stretches.

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.

REASON: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029.

- 26 No dwelling shall be occupied on any phase of development until a scheme for that phase 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.

- 27 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 BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 28 Should the Reserved Matters be submitted delivering 40% of the units as Affordable Housing for any phase of development, the market housing mix for that phase shall be in accordance with the Housing Mix as set out in the document titled Europa Way (ref GTP/WHG/01.11.18) received by the Local Planning Authority on 06.11.2018. Should the Reserved Matters be submitted for any phase of development delivering 35% of the units as Affordable Housing then the market housing mix for that phase shall be in accordance with the housing mix as defined within the most up to date SHMA. **REASON:** To ensure that the housing meets the needs of the District as required by the NPPF and Policy H4 of the Warwick District Local Plan 2011-2029.
- 29 The development hereby permitted shall only be carried out in accordance with the Flood Risk Assessment by AMEC dated May 2014 and submitted on 20 June 2014, and the proposed flood mitigation measures contained therein. **REASON :** To reduce flood risk, in accordance with the NPPF.
- 30 Within two years of the first occupation of any of the dwellings hereby permitted, design and construction details of the main spine road through the development (annotated as "3. Primary Road" on drawing no. 32662-LEA147e), together with a safeguarded access into Myton School, shall be submitted to and approved in writing by the local planning authority. Within five years of the first occupation of any of the dwellings or prior to occupation of 65% of the dwellings, whichever is the sooner, the spine road shall be completed in strict accordance with the approved details to provide a continuous unrestricted vehicular, cycle and pedestrian link from the site's principal access off Gallows Hill to the site's northern boundary. **REASON:** To ensure that a continuous unrestricted vehicular, cycle and pedestrian link is provided from the site access on Gallows Hill to link up with any spine road to be constructed on the adjacent site to the north (identified as "Land between Myton Road and Europa Way" on planning permission no. W14/1076). This is necessary in the interests of good urban design and a comprehensively planned development, in accordance with the NPPF and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029.
- 31 No dwelling hereby permitted for each phase shall be occupied unless and until:
- (a) a scheme for rainwater harvesting for that phase has been submitted to and approved in writing by the local planning authority; and
 - (b) all parts of the scheme approved under (a) have been implemented in strict accordance with the approved plans for that particular dwelling.

The rainwater harvesting scheme shall be retained and maintained in strict accordance with the approved details at all times thereafter.

REASON : To ensure that the development is designed to be resilient to, and adapt to the future impacts of, climate change, in accordance with Policy CC1 of the Warwick Local Plan 2011-2029.

- 32 Within two years of the first occupation of any of the dwellings within the residential phase adjoining Area 11 as shown on drawing no. 32662-LEA147e, design and construction details of a vehicular access between the main spine road through the development (annotated as "3. Primary Road" on drawing no. 32662-LEA147e) and the prospective residential development site identified as Area 11 shall be submitted to and approved in writing by the local planning authority. Within five years of the first occupation of any of the dwellings within that phase or prior to occupation of 65% of the dwellings, whichever is the sooner, the vehicular access shall be completed in strict accordance with the approved details to provide a continuous unrestricted vehicular, cycle and pedestrian link from the spine road to the boundary of Area 11.

REASON: In the interests of good urban design and a comprehensively planned development, in accordance with the NPPF and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029

Planning Committee: 23 April 2019

Item Number: 17

Application No: [W 19 / 0369](#)

Town/Parish Council: Warwick
Case Officer: Liz Galloway

Registration Date: 28/02/19

Expiry Date: 25/04/19

01926 456528 Liz.galloway@warwickdc.gov.uk

3 Townesend Close, Woodloes Park, Warwick, CV34 5TT

Erection of a two storey front extension and two storey rear extension (Amended design to previously approved ref. W18/2422 for a two storey front extension and single storey rear extension). FOR Mr R Siitambalam

This application is being presented to Committee because the applicant is a Warwick District Council employee.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks to construct a two storey and single storey front extension and a two storey rear extension. This application is an amended scheme to ref. W18/2422 which now seeks to construct a first floor extension above the previously approved single storey rear extension.

THE SITE AND ITS LOCATION

The application property is a detached dwelling with integral garage located to the east of Townesend Close.

PLANNING HISTORY

W03/1024 - Granted for a two storey front extension.

W13/0784 - Granted for the erection of a single storey rear extension and two storey front extension.

W18/2422 - Granted for the erection of a two storey front extension and single storey rear extension.

RELEVANT POLICIES

- National Planning Policy Framework
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)

- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- Residential Design Guide (Supplementary Planning Guidance - May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

1 Public response (1 Townsend Close): Objects on grounds of overshadowing, loss of sunlight, overlooking and loss of privacy.

Warwick Town Council: Request a site visit to consider the concerns raised by the resident at No 1 Townsend Close.

WCC Ecology: Recommend Bat Survey and protected species notes.

ASSESSMENT

Design, Scale and Impact on the Street Scene

This application is a re-submission of Planning Application Ref. W18/2422 which now seeks to construct a first floor above the previously approved single storey rear extension.

The proposed extensions will be situated on the front and rear of the property, however, the rear extension will not be overly visible within the street scene and will have no detrimental impact on Townesend Close. Furthermore, although the front two storey extension and single storey extension will be visible within the street scene, it is considered that there are examples of front roof gable properties, and particularly to the north of Townesend Close, the frontages are staggered with no defined position within the plot. The extensions will be constructed using materials that are similar in appearance to those used on the existing dwelling, including composite cladding which would not have a detrimental impact or cause harm to the area, and therefore it is considered that the development will respect the character of the existing dwelling and will meet the Council's adopted Residential Design Guide and will comply with Warwick District Council Local Plan Policy BE1.

Impact on Neighbour Amenity

The neighbour at no. 1 has objected to the proposal.

Number 1 Townesend Close lies adjacent the northern boundary of the application site and has two large rear patio windows belonging to the same room and no side clear glazed windows on the main house. It is considered that in relation to windows belonging to habitable rooms at the front and rear of

this neighbour's property that the proposal would meet the Council's adopted 45 degree guideline and would comply with Warwick District Local Plan Policy BE3.

Number 5 Townesend Close lies adjacent the southern boundary of the application site and also has two large rear patio windows and no clear glazed side facing windows. It is also considered that this neighbour will not be overly affected by loss of light, outlook or privacy and that the development will meet the Council's adopted 45 degree guideline and would comply with Warwick District Local Plan Policy BE3.

There will be no overlooking or loss of privacy to any adjacent residential properties arising from the proposal as a condition is recommended to require any side facing first floor windows to be obscure glazed and non-opening up to 1.7m.

Ecology

WCC Ecology have commented on this application and requested a bat survey, however, it is nevertheless considered that cautionary bat, bird, amphibian, reptile and hedgehog notes would be appropriate and that this application in its present form is acceptable and complies with Warwick District Local Plan Policy NE2.

Parking

It is considered that there is sufficient off-street parking to the front of the property and that the proposed development would comply with Warwick District Council Local Plan Policy TR3 and the Council's adopted Vehicle Parking Standards.

SUMMARY/CONCLUSION

The proposed extensions are considered to be suitable in design and scale for the main property overall, and do not overly impact upon the street scene. Furthermore, they are not considered to cause material harm to the surrounding neighbours.

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 amended drawings 03C, 04D, 05C, and specification contained therein, submitted on 28th February, 2019. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 Prior to the occupation of the development hereby permitted, the first floor windows in the north and south elevations shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
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Planning Committee: 23 April 2019

Item Number: 18

Application No: [W 19 / 0387](#)

Town/Parish Council: Leamington Spa
Case Officer: George Whitehouse
01926 456553 george.whitehouse@warwickdc.gov.uk

Registration Date: 08/03/19

Expiry Date: 03/05/19

20 Warwick Place, Leamington Spa, CV32 5BP

Erection of a two storey rear extension, single storey rear extension. Erection of front garden wall & gates with hardstanding for parking. FOR Mrs Meakin

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

RECOMMENDATION

It is recommended that Planning Committee grant this application.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a two storey and single storey rear extension. Erection of front garden wall & gates with hardstanding for parking.

THE SITE AND ITS LOCATION

The application property is a detached dwelling in a row of detached c.1930's style dwellings which fall within the Royal Leamington Spa Conservation Area. The site lies adjacent to 1-8 Bertie Terrace, which is Grade II Listed. This is a distinctive and characteristic terrace of 8 houses, now houses and flats, and attached railings. The listed building is constructed of reddish-brown brick with painted stucco facade, Welsh slate roof and cast-iron balconies and railings.

PLANNING HISTORY

W/18/2131 - Erection of single and two storey rear extension with raised ridge height to include loft conversion with rooflights; Alterations to existing front garden wall to increase width of site access and enlarge hardstanding area - Refused on: Scale, design impact on the conservation area and impact on neighbours.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)

- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Leamington Spa Town Council - Objection based on increased bulk and mass, impact on the amenity of the neighbour and loss of rear garden space.

Highways Authority - No Objection

Public - 1 objection based on the proposals being out of character and style of the conservation area; and loss of privacy and light and loss of rear garden.

ASSESSMENT

Impact on the amenity of neighbouring uses

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPG provides a design framework for Policy BE3 and states that extensions should not breach a 45 degree line taken from the nearest habitable room of a neighbouring property. This serves to protect the extent to which neighbours can enjoy their own dwellings without undue disturbance or intrusion from nearby uses.

While there is a breach of the 45 degree line from the rear of Bertie Terrace the breach occurs at a distance of over 8m. The Residential design guide states that breaches that occur at a distance of 8m or more are not considered to result in material harm to light and outlook. Officers consider this to be the case in this instance in that there will be no material impact on the amenity of the occupiers of Bertie Terrace.

One public objection cites loss of light and amenity for the occupiers at 22 Warwick Place. There is no breach of the 45 degree guideline from any habitable room windows of 22 Warwick Place. Considering the aspect of the dwellings and their relationship any loss of amenity or light as a result from this proposal would not be so significant as to cause material harm. There are also no first floor side facing windows which would add to levels of overlooking.

The objections also refer to the loss of rear garden being unacceptable. The amount of rear garden remaining after the proposed extension is 2.9 times the size of the minimum standards for outdoor private amenity space a 4 or more bed house. It is therefore considered the loss of some of the rear garden space is acceptable in this case given the remaining size of the private amenity space.

Therefore, it is considered that the proposals are compliant with Local Plan Policy BE3.

Design and Impact on designated heritage assets

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Policy HE1 of the Warwick District Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

Local Plan Policy BE1 states that new development should make a positive contribution to its surroundings.

Following the previous refusal pre-application advice was sought from the Council's Conservation Officer. The scheme was amended in order to be set down from the roof of the original dwelling and to accord with the Council's adopted Residential Design Guide. As part of the proposals the front elevation will remain unchanged from the original dwelling and the extensions will have no impact on the street scene or views of the listed building. By way of design it is considered the proposed extensions are subservient to the original dwelling and acceptable within the context of the designated heritage asset since or the neighbouring Listed Building they respect the view of the original dwelling within the street scene. With regard to the new boundary treatment there is little change from the existing, established boundary and therefore this element is considered to be acceptable. The above conclusions are further supported by the Conservation Officer's stance of no objection.

It is considered that the proposals comply with Local Plan Policy HE1, BE1 and the Council's Adopted residential design guide.

The impact on highway safety

Policies TR1 and TR3 of the Local Plan seek to ensure that there is no impact on highway safety and that there is adequate parking provided for the needs of the dwelling. The NPPF is also noted as a material consideration.

Highways Officers raise no objection, subject to a condition requiring gates to be inward opening.

As such, taking account of the advice of highways officers, the proposals are considered to be in accordance with Policies TR1 and TR3 of the Local Plan and the aims and objectives of the NPPF.

Ecology and protected species

Policy NE3 seeks to safeguard protected species from harm. The County Ecologist has recommended that a preliminary bat survey is required prior to the determination of the application. This request has been carefully considered against the urban location, the extent of works, the general lack of tree cover and natural features in the area and the urbanised characteristics of the local area.

Further bats are a protected species under separate legislation and a duty of care by the applicants to ensure protected species are not harmed by the proposal. On this basis, it is not considered that it is appropriate or practicable to request a bat survey be submitted.

On the basis of the above, it is considered that the imposition of an explanatory note regarding the applicants responsibility with regard to protected species is sufficient in this case and the proposals are considered to be acceptable and in accordance with Policy NE2 of the Local Plan.

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 9/11/1702-REV H, and specification contained therein, submitted on 08/03/2019. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Gates erected or retained at the entrance to the site for vehicles shall be hung so as to open inwards. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 4 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

