

## Planning Committee 10 January 2023

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Tuesday 10 January 2023, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor A Boad (Chairman)  
Councillor T Morris (Vice Chairman)

Councillor M Ashford  
Councillor R Dickson  
Councillor B Gifford  
Councillor O Jacques  
Councillor J Kennedy  
Councillor R Margrave

Councillor N Murphy  
Councillor M Noone  
Councillor C Quinney  
Councillor D Skinner  
Councillor N Tangri

### Emergency Procedure

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

### Agenda Part A – General

#### 1. Apologies & Substitutes

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

#### 2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

**Part B – Planning Applications**

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

4. **W/19/1133 - Land at Ward Hill, Warwick Road, Littleworth, Norton Lindsey**  
**(Pages 1 to 23)**  
**\*Major Application\***
5. **W/22/1038 - Land at Rosswood Farm, Coventry Road, Baginton**  
**(Pages 1 to 28)**  
**\*Major Application\***
6. **W/22/1546 - 16 Cross Street, Royal Leamington Spa** **(Pages 1 to 20)**
7. **W/22/1666 - Land Adjacent to Kingswood Farm, Old Warwick Road, Lapworth**  
**(Pages 1 to 13)**

**Part C – Other matters**

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

**Please note:**

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

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

Telephone: 01926 456114

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

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

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456114

**Application No:** [W 19 / 1133](#)

**Town/Parish Council:** Norton Lindsey  
**Case Officer:** Dan Charles

**Registration Date:** 20/06/19

**Expiry Date:** 19/09/19

01926 456527 dan.charles@warwickdc.gov.uk

**Land at Ward Hill, Warwick Road, Littleworth, Norton Lindsey, Warwick,  
CV35 8JD**

Hybrid planning application consisting of:

Full planning application for the erection of two replacement poultry houses for  
poultry rearing (pullets) and the repositioning of existing access;

Outline planning application for the erection of a farm manager's dwelling. FOR  
Mr A Audhali

**RECOMMENDATION**

It is recommended that planning permission is REFUSED for the reason set out at the end of this report.

**DETAILS OF THE DEVELOPMENT**

The proposal seeks the demolition of the existing poultry houses and the erection of two new poultry houses. In terms of footprint, each poultry house is proposed to be 60m x 12.14m providing a gross floor area of 728.4 sq metres per building giving an overall footprint of 1,456.8 sq metres. In comparison, the existing buildings measured 67.3 metres long x 11.1 metres wide (West building) and 64.2 metres long x 11 metres wide (East building) giving a total footprint of 1453 sq metres for the two buildings.

Each building has an eaves height of 2.5m and a proposed ridge height of 4.7m compared to the overall height of the existing buildings of 3.7 metres ridge height (West building) and 2.5 metres ridge height (East building). Each building has a total of 10 vent towers extending to an overall height of 6.5 metres.

The proposed buildings are to be constructed of a low brick riser wall with chevron timber cladding walls under a corrugated metal sheet roof. The buildings each have double doors at each gable end of the building together with two personnel doors on the front (north) elevation.

The proposal also includes the provision of an on-site worker's dwelling. Whilst only in outline form the plans indicate a single storey property with a gross floorspace of 77 sq metres.

The application also includes the creation of a new vehicular access and on-site parking and turning space together with all ancillary works.

## **THE SITE AND ITS LOCATION**

The application site lies to the North East of the village of Norton Lindsey and is situated within the West Midlands Green Belt.

The site currently contains the remnants of 2 dis-used poultry houses of low-profile timber construction.

The site is flanked on three sides by agricultural fields. To the west the boundary is shared with a single dwelling. The dwellinghouse is set away from the site boundary.

The site is predominantly flat with the land gently rising to the rear in a southerly direction. The site has a variety of trees and hedging to the roadside boundary, but the remaining side and rear boundaries are undefined with features, although there is a marked change in the character of the land at the boundary.

The site has an existing lawful use for agricultural purposes which notwithstanding an extended period of vacancy continues to subsist. Planning permission is not therefore required for the continuing use of the site for agricultural purposes.

## **PLANNING HISTORY**

**W/17/2372** - Demolition of 2no. chicken sheds and the proposed residential development of 2no. single storey dwellings with a new footpath link to the village – **Refused 01.03.2018.**

**W/16/1970** - Demolition of 2no. chicken sheds and erection of 9no. dwellings – **Refused and appeal dismissed 12.09.2017.**

**W/08/0146** - Erection of two replacement poultry sheds and relocation of vehicular access and erection of farm manager's dwelling – **Refused and appeal dismissed 24.05.2010**

**W/08/0145** - Erection of farm manager's dwelling - **Refused and appeal dismissed 24.05.2010**

**W/07/1931** - Erection of replacement poultry sheds & relocation of vehicular access – **Withdrawn 08.01.2008**

**W/07/1930** - Erection of farm manager's dwelling – **Withdrawn 08.01.2008**

**W/05/1755** - Erection of dwelling for poultry farm manager and erection of 2 replacement poultry sheds – **Refused and appeal dismissed 04.04.2007**

**W/05/1754** - Erection of 2 replacement poultry sheds - **Refused and appeal dismissed 04.04.2007**

**W/04/1049** - Erection of a replacement poultry shed – **Refused 20.10.2004**

The history of the site includes 2 earlier applications for the erection of replacement poultry sheds. In 2005, the application reference W/05/1754 was refused and the appeal dismissed on the grounds that the proposed sheds would result in material harm to the landscape and further harm to the living conditions of local residents, in particular, the dwelling to the immediate west of the site that, in the Inspectors judgement, would not be outweighed by the benefits of the proposal in promoting agriculture and none of the suggested conditions would overcome the identified harm.

Following this application, application reference W/08/0146 was refused on the grounds of the impact on the rural character and appearance of the area, impact on the amenity of neighbours as a result of odour emissions and the adequacy of surface water drainage proposals. This application was dismissed at appeal with the Inspector upholding the first two reasons for refusal but was satisfied that adequate drainage could be secured by condition.

In both appeals, the Inspectors were clear that the development was for an agricultural use and therefore, the replacement chicken sheds are classified as appropriate development within the Green Belt.

The associated worker's dwelling was dismissed on appeal on the basis that the Inspector dismissed the appeals for the poultry houses and therefore, no dwelling was justified.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DS1 - Supporting Prosperity
- DS5 - Presumption in Favour of Sustainable Development
- DS18 - Green Belt
- PC0 - Prosperous Communities
- H1 - Directing New Housing
- EC1 - Directing New Employment Development
- EC2 - Farm Diversification
- BE1 - Layout and Design
- BE3 - Amenity
- 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)
- HS1 - Healthy, Safe and Inclusive Communities
- CC1 - Planning for Climate Change Adaptation
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources

- Guidance Documents

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

## **SUMMARY OF REPRESENTATIONS**

**Norton Lindsey Parish Council:** Objection on the following grounds;

- Environmental Impact - odour during day to day operations and cleaning, dust in the atmosphere, increased vermin, noise from ventilation fans etc. Not convinced by the methodology and findings of the odour report that suggests minimal impact on houses.
- Negative effect on highway safety - increased heavy traffic movement and poor visibility on Warwick Road. Not clear in proposal how vehicles will access site.
- No details of feed storage hoppers.
- Inconsistencies on plans regarding closure of existing access.
- Concern about manager's bungalow and how it will operate. Is the manager always expected to be on duty? How will the site operate when the manager is away? Regular visits would surely suffice?
- Openness of the Green Belt will be affected. Not satisfied that the exceptions exist for this development.
- If granted, recommend occupancy condition and removal of permitted development rights.

### **Additional comments received**

- Grave concerns over the environmental impact of the site from odour, dust, increased vermin, noise from ventilation fans and particularly bio-aerosols.
- Lack of adequate water management plans.
- Negative effect on highway safety from increased lorry movements.
- No clear case for on-site worker.
- Do not consider proposal represents sustainable development.
- Any change from pullets (to broilers etc) could result in further issues.
- Application remains unchanged from previous refusals.
- Existing buildings have been redundant for 20 years so application should be viewed as a new and inappropriate new development.

**Councillor Jan Matecki:** Objects to the scheme;

- Fully agree with the comments made by local residents, the Parish Council and the local MP, Matt Western.
- Application has been heard several times previously under one guise or another, and been rejected on every occasion. I particularly draw your attention to 2 previous applications, W/05/1754 and W/08/0146 which were heard in 2007 and 2010 respectively which were rejected by the WDC and the decisions were upheld by different Inspectors, appointed by the Secretary of State to review the appeals made in both of these applications.
- The fundamental reasons for rejecting the applications, and subsequently verified by the Inspectors after appeal, are still valid, if not more so, today.

- In application W/08/0146 the poultry sheds had a size of 48m long, 12m wide and 4.5m high. The Inspector found that sheds of this size would have an "unacceptable impact on the area's character and appearance". This new application has sheds even longer, wider and taller and so will have an even more drastic effect on the character and appearance of the area.
- In both of the previous applications, the overriding factors were the development criteria in the Green Belt and not due to health reasons. The Inspector's report in the 2007 review also pointed to the fact that there were old disused poultry sheds on the site, but dismissed their relevance due to their state and so reviewed the application as if it were a new application.
- The existing sheds in the reports are now in an even worse state than 13 years ago and so their relevance, if any, is even more diminished today. Moving the buildings around on the plot does not alter the fundamental principles of development on Green Belt land.
- This application, as it has done previously, fails to mitigate any circumstances under NPPF policies which would allow it to succeed. As the Inspectors in their reports said at the time, which still holds true today, there are no exceptional circumstances to this application to justify the approval of this application
- Heavy goods vehicles (HGVs) cannot turn around on site and will require the HGVs to either reverse in or out into the road contrary to Policy TR1
- Policy NE5, which requires any development to "not give rise to soil contamination or air, noise, radiation, light or water pollution where the level of discharge, emissions or contamination could cause harm to sensitive receptors". Air and water pollutants, together with noise pollution can not be eradicated by the current proposals.
- Since the last similar application was heard in 2010, a lot more is now known about the detrimental effect on public health created by bio-aerosols. The moving of the worker's dwelling to the west side of the site still does not satisfy the need, as reported by many authorities around the world, that poultry sheds should be at least 150m away from residential properties. One property lies within 50m of the nearest proposed shed, and numerous more within 150m so the 150m threshold cannot be achieved.
- Reference in the Bio-Aerosol report makes reference to broilers and not pullets, which would have a greater turnover leading to increased potential harm.
- Suspect that the site would very quickly turn from pullet to broiler production in order to recover the investments made. This would greatly affect the air quality on a much more regular basis than minimalistic suggestion of the applicant.

In summary, together with the new found hazards of bio-aerosols which have been identified as a risk to public health, by commentators and confirmed by the WDC Environmental Health team after consultation with Public Health England, this application does not meet any of the Green Belt development requirements of the District's Local Plan or the NPPF to enable it to be approved. It is not sustainable and would create a safety hazard to the many other road users, including car drivers, pedestrians and horse riders.

Further comments received



- As confirmed by two previous Appeal Inspector's reports, due to the abandoned and derelict state of the land, any previous use of the land bears no relevance to this application and should not be used in the forming of any opinion on the suitability of the application.
- Any permitted agricultural use on Green Belt land must be sustainable. Although the applicant has another poultry breeding business, located near Hatton, it is for the rearing and slaughter of broilers. Pullets do not fit in with the current business model of the applicant, and therefore the sustainability of such an enterprise must be judged independently. I suggest that the applicant states that he intends to rear pullets only in order to limit the damaging reports that bio-aerosols will have on the neighbouring properties.
- A report that was conducted by the Ohio Department of Health, USA states that residents located within half a mile of a poultry farm had 83 times the insect infestation compared to properties that were not located near to a poultry farm. A half mile radius from the application site will take in nearly the whole of Norton Lindsey Village which lies within the WDC boundary. With the increased insect infestation come all the other unsavoury inflictions associated with insects such as flies. The health and wellbeing of the residents of the village must be paramount.
- With regards to the agricultural dwelling, no grounds for a workers dwelling on the site and nothing has changed in the last 10 years which would warrant a workers dwelling on site. Applicant has another, and much larger, poultry business only 5 miles away - so the site can be monitored and accessed within a 10 minutes drive of the existing business, further negating the need for a stand alone dwelling on site.
- This application should be refused at the earliest opportunity in order to enable the local residents to get on with their lives, in the peace and clean environment that attracted them to the village in the first place.
- Reports submitted on behalf of applicant are biased towards the applicant.
- Restriction on cleaning of sheds at weekends is not practicable.
- Restriction on cleaning of sheds when winds are easterly or north-easterly is not feasible.
- Sniff Testing as recommended is difficult to control or enforce.
- Cost implications of appropriate mitigation are for the applicant to determine if a venture is worthwhile.
- Ricardo recommendations should be adhered to in full.

#### Further Comments received

Following receipt of further information relating to vehicle sizes and movements, continue to object on the basis that the information shown is not accurate and would not meet the needs of the business operating from the site. Therefore, the accuracy of the information on which WCC Highways have previously raised a comment on no objection on is considered to be inaccurate.

**WDC Environmental Health:** Following discussions with the applicant's consultants and clarification of details, raise no objection, subject to conditions to control use of site. Following the receipt of Odour and Bio-Aerosol Assessments,

the scheme has been reviewed by an independent specialist who, following clarification on some elements, raises no objection to the proposal. This has been reviewed by the EHO who raises no objection subject to conditions.

**WDC Tree Officer:** Landscape and Visual Assessment is thorough but application lacks detail on mechanisms to protect roadside hedge. Recommend tree protection plan.

**WCC Highways:** Whilst an earlier comment was one of no objection subject to conditions, it is noted that a swept path analysis that was submitted previously does not correspond with the vehicles illustrated within the Statement in that the axle spacings and hence turning abilities of the vehicles differ. In order therefore to fully assess the proposal, the Highway Authority will require confirmation from the feed suppliers of their vehicle and also details of the bird collection company in order to establish exactly which vehicles will need to access the site. Once this has been conformed, further swept path analysis of these vehicles will need to be provided.

The applicant's agent responded further to the above comments, but offered no new information, therefore, it remains that the Highway Authority cannot be sure that the proposal accords with Paragraph 111 of the revised NPPF (July 2021), in that a safe access has not been satisfactorily demonstrated. Our response therefore remains one of objection.

**WCC Ecology:** Recommended Ecological Appraisal has been submitted and satisfied with results. Recommend conditions to protect protected species.

**WCC Landscape:** May require removal of trees. Tree/hedgerow protection will be required. If new planting is proposed, needs to be maintained.

**Natural England:** Based on the information provided within the Ammonia report, Natural England considers that the proposed development is unlikely to damage or destroy the interest features for which the Sherbourne Meadows Site of Special Scientific Interest (SSSI), Railway Meadow, Langley SSSI and Snitterfield & Bearley Bushes SSSI have been notified and has no objection.

**Public Health England:** Would not normally comment on this application as it is below the threshold to be considered an intensive poultry farm. We understand there are nearby residential receptors, with one located within 40metres of the proposed poultry farm application site.

With poultry farming, the main emissions of public health significance are emissions to air of bioaerosols, dust including particulate matter and ammonia. It should be noted that available health evidence is associated with larger, intensive farming practices, and for poultry this would be for farms with 40,000 poultry rearing places or more.

The applicant has considered potential emissions from the site, including particulate matter, dust and odour. Their modelling assessment of these potential

emissions has found that the impact of the proposed site is low and adverse effects are unlikely at residential properties. The methodology used appears appropriate.

We would ask the planning authority to consider applying suitable conditions to ensure mitigation measures are in place to control and minimise particulate matter and dust emissions from the site. It is proposed that monitoring/visual inspections of the site will be undertaken, with action taken should odours, litter, dust be detected above set thresholds. Any dust complaints should be investigated by the site and control measures put in place.

Manure spreading: to avoid the potential for off-site odour impacts, the locations for manure spreading on land should be considered to avoid a potential source of nuisance and annoyance in the community.

Any Odour Management Plan (OMP) should indicate that regular olfactory monitoring locations will be agreed as part of the site's planning application, and be at locations around the site boundary and at the nearest residential properties. PHE supports that any OMP proposes regular meetings in the community to review performance and address any issues raised.

The response outlined in this representation is based on the assumption that the applicant shall take appropriate measures to prevent or control pollution, in accordance with industry guidance and best practice.

**Public Response:** 106 letters of objection have been received on the following grounds:

- Site is abandoned.
- No benefit to community.
- Have not overcome previous reasons for refusal.
- More akin to an industrial use than agricultural.
- Green Belt means dwelling should not be allowed.
- Can operate without manager on site.
- Unsuitable location for poultry business.
- Lack of animal welfare and cruel to animals.
- Less demand for meat products.
- Modern technology means that dwelling on site is not necessary.
- Not a viable unit at this scale.
- Harm to highway safety from lorries servicing the site.
- New access is in a worse position than the existing.
- Use of site will result in harm to pedestrians, cyclists and horse riders due to increased traffic.
- Adverse impact on the openness of the Green Belt.
- Will detract from the quality of the landscape.
- Harmful to biodiversity.
- Harm to bat species that use the site.
- Will result in light pollution.
- Environmental reports are inadequate.
- Previous operation of site caused odour nuisance.
- Odour report is based on a computer model.
- Odour will be an issue despite reports.

- Increased vermin and flies causing harm to amenity of area.
- Will be a significant noise disturbance.
- Inadequate drainage measures on site.
- Potential contamination of water courses.
- Water treatment details are inadequate.
- Potential for spread of airborne bacteria.
- Will result in dust disturbance.
- Hazardous to health of local residents.
- Will have negative impact on residential properties.
- Harmful impact on residential amenity.
- Contrary to EA Advice on emissions.
- Not satisfied that the submitted Bio-Aerosol Assessment is robust.
- Intensive chicken farming results in increased levels of disease posing a direct threat to the local community.
- The increase in ammonia emissions negatively influences environmental and public health, and is also a major contributor to climate change.
- Applicant has failed to provide robust and objective, independent evidence on the potential for adverse odour impact.
- The data that has been provided to support and substantiate this proposal is flawed: out of date, geographically incorrect and fundamentally ignorant to the largest risk of impact on residents.
- No mention of the inevitable on-site operation of an incinerator.
- The health effects on vulnerable individuals (frail/elderly/sick) should form the sole basis for the exposure risk classification. It is of no relevance whether a "robust individual" might be able to cope with the projected Bioaerosol exposure. The affected residential properties are home to people of all ages and levels of frailty.
- The proposal does not indicate where the spent litter would be taken. "Spent litter would be taken off-site" could also mean the field next door.
- In order for the Planning Committee to make an informed decision on the impact of the proposals, they must visit a similar site to the one proposed, so that they can experience the bio-aerosol health issues (& associated odours) for themselves.
- The hazard of bio-aerosols are a 'risk to health, as confirmed by WDC's Environmental Health Team in consultation with Public Health England.
- Odour and bio-aerosol contaminants will collect in the area and will not be dispersed by wind.
- We will suffer significant, unpleasant odour, vermin and noise from the ventilation fans, particularly at times when the sheds are cleaned.
- There are inadequate plans for the containment and management of foul water on the site.
- Animals and wildlife including deer, will be threatened.
- The dangers of salmonella, clostridium perfringens and other diseases spreading onto our land and infecting our animals is significant.
- The site has not been used for poultry farming for over 20 years. No investment has been made into the facility. Indeed, it meets the criteria for 'abandonment'.
- In the intervening period the nature of the village and surrounding area has changed.
- Not more than a few years ago, the owner applied for permission to build houses on the site.

- There is no clear case for on-site accommodation for a manager:
- The volume of poultry, coupled with modern communications means there is no need for on-site accommodation for a manager.
- The owner previously sold the original Manager's house as a domestic residence as it was not required.
- Development should result in a Biodiversity Net Gain.

## **ASSESSMENT**

### **Procedural Note**

The application was referred to Committee on 22 June 2022 where following the debate, the application was deferred to seek further input and clarification on matters relating to access and Highway Safety. In the intervening period, the application was reviewed by Warwickshire County Highways and the application was to be presented to the November Committee following this consultation in light of a revised recommendation based upon the outcome of these discussions. Before the committee took place, additional information was submitted at short notice that was not able to be reviewed prior to the Committee meeting. On this basis, the application was removed from the agenda to allow additional time for the County Highways Officer to review the information.

### **History/Background**

The application site has been the subject of multiple applications for replacement chicken shed buildings. The latest application from 2008 was dismissed at appeal for the following reasons: -

- Impact on the character of the area.
- Issues relating to control of odour.

The associated worker's dwelling was dismissed on appeal on the basis that the Inspector dismissed the appeals for the poultry houses and therefore, no dwelling was justified.

In all appeals, it was clearly acknowledged and agreed by all parties that the development constitutes agriculture.

Since these appeals were determined, the National Planning Policy Framework has been introduced which gives guidance on development within the Green Belt. The introduction of the NPPF set out a framework for new agricultural development together with guidance on the impact on the Green Belt which is discussed in further detail below.

### **Principle of Development**

#### **The Use of Land**

The use of the land falls within the definition of agriculture and whilst the existing buildings are not capable of operating for their intended purpose, the subsisting

use of the site remains as agricultural. The default position for any land is agriculture and this use of land cannot expire or be abandoned unless an alternative use of the site is in place.

### Agricultural Buildings

The proposed buildings would be 60m x 12.14m with a ridge height of 4.79m. Each building has a gross floor space of 728.4 square metres giving a combined overall floorspace of 1456.8 sq metres.

There is no specific policy within the Local Plan that relates to new agricultural development. As the Local Plan is silent, the proposal must be assessed against the guidance contained within the NPPF. Paragraph 83 of the NPPF supports the development and diversification of agricultural and other land-based rural businesses. It is acknowledged that the buildings are considered to fall within the definition of agriculture and these buildings would replace the existing buildings on the site for new buildings within the same use. The buildings represent a minor increase in overall floorspace of less than 5 square metres compared to the previous buildings on site, but the height has increased compared to the existing to meet modern agricultural standards. The height increase equates to an overall ridge height of 1 metre.

Officers are therefore satisfied that the principle of new buildings on this site is acceptable.

### Worker's Dwelling

Policy H12 refers to new dwellings for rural workers. This policy sets out a range of criteria that must be met in order for a dwelling to be located in a rural area as an exception to Policy H1 that seeks to ensure that new dwellings are located in sustainable areas.

Paragraph 79 of the NPPF also affords exceptions for rural housing where it is demonstrated that there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

Local Plan Policy H12 sets out 5 tests that must be met in order to be considered acceptable in principle;

- a) there is a clear functional need for the person to be readily available on the site at most times;
- b) the worker is fully or primarily employed on the site to which the proposal relates;
- c) the business is financially sound and has a clear prospect of remaining so;
- d) the dwelling sought is of an appropriate size commensurate with the established functional requirement; and
- e) the need cannot be met by an existing dwelling on the unit, or by other existing accommodation in the area.

In order to carry out the assessment of the submitted business plan, the proposal has been considered by a specialist rural consultant instructed by the Local Planning Authority to carry out an independent assessment of the submitted documentation.

The consultant has assessed the proposal against the policy requirements of H12. In response, it has been concluded that;

In response to criterion a), there would be an essential need for a worker to be readily available at most times as the needs of the business would require close monitoring and a rapid response to ensure that any issues that arise are dealt with swiftly to avoid harm to the birds. The infant birds will arrive as day olds and will need to be kept under heat in broiler rings with heated lamps, for the first week or thereabouts and any faults with these systems needs to be urgently repaired. In addition, where birds are reliant upon mechanical ventilation, any failures need to be addressed rapidly to prevent heat and ammonia build up within the building. Breakdowns in heating systems, feed chain, drinking supplies etc. all require swift action.

Whilst many of these systems will be alarmed, there is still a requirement for swift action should any of the alarmed elements fail. This can only be reasonably dealt with by an on-site presence.

In response to criterion b), the standard person hours for the operation of the site would be equivalent to a full time worker based upon the assessment by the specialist agricultural consultant.

In response to Criterion c), it is acknowledged that this development is to work in conjunction with the applicants existing chicken businesses. These businesses are well established and financially sound and this business would be in addition to the existing sites which have operated on a sound financial basis for many years. The consultant is satisfied that the expansion of the business has been planned on a sound financial basis and as an addition to the existing successful businesses operated by the applicant, has a clear prospect of remaining so.

In response to criterion d), it is noted that the dwelling proposed is sought on an outline basis at this stage. The guidance on rural worker's dwellings requires a dwelling to be commensurate with the needs of the unit for the worker and their family. As a general rule, a dwelling of up to 140 square metres is considered commensurate with the needs of the unit and provides adequate accommodation in a price bracket considered to be generally affordable on a rural worker's wage. The proposed dwelling is identified as a bungalow and is noted as having a floor area of 77 sq. metres which falls well within the accepted threshold as appropriate for a rural worker.

The proposed development is to increase the capacity of the applicants existing business by replacing the existing buildings and reintroducing the poultry use of the site. The proposal for this site is the rearing of pullets for the egg production industry. The site will rear the birds from chicks to close-to-lay birds at which point they will be transferred off-site to a specialist egg-production location. This

would be in 18 week cycles with a period of 4 weeks between batches to allow for specialist cleaning to be carried out between batches. The two buildings would have a combined capacity of 20,478 birds per cycle and there would be on average 2.3 batches per year.

In response to criterion e), there are no other dwellings within a functional distance to meet the needs of the business on site that would be financially viable for an on-site worker. It is also noted that the general price of properties within the local area would be significantly in excess of a price that would be affordable for an agricultural worker.

Following concern from third parties that the business was in decline and due to the length of time that had passed since the original assessment, Officers sought further advice from the consultants. In response to the concern from residents, further financial information was provided by the applicants to demonstrate that the business was still fully operational and viable.

The Consultant reviewed the information provided and re-visited the original submission. Due to the nature of the business, the Consultant is satisfied that the functional need remains. To fully appreciate whether the scheme would be financially sustainable would require an updated business plan together with supporting information. However, it is noted that the scheme would remain as originally proposed, the delays experienced have been down to technical environmental and highways matters only and not in relation to the operation of the business.

It is noted that the proposal for operation has not changed over the application period and taking this into consideration, Officers are satisfied that the development meets all of the criteria as set out in Policy H12 and is therefore acceptable in principle. It is also noted that the dwelling would be conditioned to not be occupied until the poultry sheds are complete and operational.

#### Conclusion on Principle of Development

The replacement agricultural buildings are considered to be acceptable having regard to national guidance contained within Paragraph 83 of the NPPF.

The business plan and supporting information has been assessed and the consultant is satisfied that the proposed development is acceptable and has been planned on a sound financial basis. The enterprise would require the presence of an on-site worker.

Subject to conditions to restrict the occupancy of the dwelling, the proposal is considered acceptable in principle having regard to Policy H12 of the Local Plan and guidance contained within Paragraphs 79 and 83 of the NPPF.

#### **Whether the proposal constitutes appropriate development in the Green Belt**



As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. Paragraph 145 states that new buildings for agriculture are appropriate development within the Green Belt. Officers are satisfied that the development has been designed specifically for agricultural purposes and therefore, the buildings are considered appropriate development within the Green Belt.

The provision of a new dwelling within the Green Belt is considered inappropriate development within the Green Belt where located outside of a settlement boundary. As this aspect of the proposal does not fall within any of the categories of appropriate development within the Green Belt, the starting point is that it is considered to be inappropriate development within the Green Belt by definition. In these circumstances, Paragraph 143 of the NPPF states that development should not be approved except in very special circumstances.

In terms of very special circumstances, the proposal is for a rural worker where the need for the dwelling has been satisfactorily justified as being essential. Conditions are proposed which will tie the building to occupation for an on-site worker only to ensure that the dwelling is occupied in a manner which meets the very special circumstances set out.

On the basis of the above, Officers are satisfied that in addition to the 2 proposed poultry houses comprising appropriate development in the Green Belt (by reason of their design and use for agriculture), the proposed agricultural workers dwelling is acceptable in Green Belt terms because its essential nature in connection with the use of the site is considered to represent very special circumstances which are sufficient to outweigh the harm to the Green Belt by reason of inappropriateness.

### **Design and impact on visual amenity and the character of surrounding area**

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Policy BE1 of the Local Plan reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

Officers note the appeal decisions on the earlier applications and also that the latest of these is in excess of 10 years ago. The Policy Framework at both local and national level has evolved since this time and the assessment of this

application takes into account the earlier decisions whilst also assessing against the current legislative framework.

At the time of the 2007 appeal decision, the site was designated as falling within a Special Landscape Area. This designation formed part of the Inspectors reasoning when dismissing the appeal in respect of the harm to the area and the Special Landscape Area. It is noted that the Special Landscape Area designation was not included within the new 2011-2029 Local Plan and therefore that the circumstances and weight to be given to such considerations changed at that point.

In the 2008 decision, the Inspector opined that the buildings would have a harmful effect on the area's rural character and appearance and would detract unacceptably from the quality of the landscape and the openness of the countryside.

The proposed agricultural buildings are designed for the specific purpose of poultry rearing and as such, are utilitarian in design. The buildings are low-profile with a modest ridge height of 4.79 metres to the ridge. In terms of scale, the new buildings are similar in proportion to the existing buildings on site that measure 66m x 10m approximately with a similar ridge height. The proposal also includes a bulk feed store to each building that extends to approximately 6 metres in height together with flues on the buildings that extend to an overall height of 6.5 metres.

The existing buildings on site are in a poor state of repair and have predominantly now collapsed. In both appeal cases, it was accepted by all parties that the buildings were not capable of re-use and would not have been economical viable to repair in order to meet the up to date standards for poultry buildings. Since that time, the buildings have degraded further and could not be re-used due to their derelict nature.

The new buildings are proposed to be purpose built poultry houses designed to deliver the appropriate standards of welfare. The external appearance of the buildings will be timber cladding over a brick riser with a corrugated metal sheet roof containing a number of ridge vents.

The appearance of the buildings will be of a modern agricultural structure compared to the existing, somewhat dilapidated structures.

Planting is proposed to the boundaries to reinforce the current planting to soften the boundaries of the site to reduce the visibility of the site. The southern boundary of the site will be conditioned to provide a significantly improved planting belt to mitigate the increased visual impact of the buildings.

The bulk feed silos will be taller than the main buildings but of significantly smaller massing. The silos are a typical rural feature in an agricultural landscape and would not represent an incongruous feature in this location.

Overall, taking into consideration the history of the site and the considerations put forward by the earlier Inspectors, Officers note that the NPPF puts significantly more weight into the economy and supporting a prosperous rural economy as set

out in Paragraph 83 that supports the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

Furthermore, Paragraph 84 states that in recognising the use of sites, that the use of previously developed land and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

The development will bring a redundant and visually poor site back into the previously established use with new, modern buildings that Officers accept are utilitarian in design by nature of their proposed use. It is therefore proposed to mitigate the visual appearance through appropriate landscaping to offset the appearance of the buildings.

The application was submitted with a Landscape and Visual Impact Assessment that the key areas where visual harm was identified were capable of being mitigated through a robust and appropriate landscaping scheme.

The NPPF has a presumption in favour of sustainable development and Officers consider that taking these factors into consideration and weighed against the earlier, pre-NPPF appeal decisions, on balance, the scheme is considered to be acceptable in visual terms subject to appropriate conditions on landscaping and external materials.

The proposed dwelling, whilst in outline form is identified as being a modest, single storey property of approximately 77 square metres. In addition the land associated with the property is also of limited size and proportionate to the size of the unit.

Officers are satisfied that the proposal complies with Policy BE1 of the current Local Plan.

### **Impact on adjacent properties**

Officers note that the earlier schemes were dismissed at appeal due to the potential for odour impact affecting neighbouring properties, in particular, the property to the immediate west of the site. This application has been submitted with supporting reports provided by qualified consultants to seek to address these concerns.

During the course of the application, further potential amenity issues were identified such as the potential impact of Bio-Aerosols. The applicants thereafter instructed appropriately qualified consultants to carry out the required assessments.

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.

The proposal has a number of aspects that must be assessed in terms of the impact on adjacent properties including the impact from the built form of the development and the potential environmental harm arising from:-

- Bio-Aerosol Impact.
- Noise Impact.
- Odour Impact.
- Dust Impact.

In addition to the assessment from the Council Environmental Health Officer, the District Council also commissioned an external specialist to carry out a full review of all submitted information relating to environmental issues associated with the application. All documentation was reviewed by the specialist and a detailed response was provided to the Environmental Health Officer for consideration of the scheme.

#### Built Form.

The key property affected by this element is the property that lies adjacent to the site on the western side, known as Ashward House.

The replacement buildings propose structures of a similar scale to the existing structure on the site. However, the key difference is during the course of the application, the site layout was amended to “swap over” the proposed workers dwelling and the chicken shed buildings which will result in an increased separation distance between the dwelling and the chicken sheds compared with the existing position on the site.

It is noted that the adjacent dwelling itself is located on its own western boundary and there is an intervening garage to the eastern side of the plot. The site is also separated from the application site by mature hedge and trees boundary.

Taking into consideration the revised proposed site layout, Officers are satisfied that in terms of built form, the development would not result in any demonstrable harm.

#### Bio-Aerosol Impact

The issue of Bio-Aerosols was raised prior to an earlier committee date and it was not an issue that had been previously considered.

Bioaerosols are a subcategory of particles released from terrestrial and marine ecosystems into the atmosphere. They can consist of both living and non-living components, such as fungi, pollen, bacteria and viruses.

Following discussions with the Environmental Protection Officer (EPO) who had sought advice from Public Health England, it was recommended that a Bio-Aerosol Risk Assessment should be completed. In response to this, the applicants commissioned a Bio-Aerosol Risk Assessment. This was assessed by the EPO together with specialist advice from an Independent Consultant instructed by the

EPO. Following the assessment, a number of additional requirements were incorporated to ensure that the Risk Assessment was fully robust.

In assessing the submitted documents, the consultants advised that the risk assessment of bioaerosol emissions from pullet rearing identifies moderate risks at nearby receptors and recommended mitigation measures to be incorporated into a management plan including the submission of monitoring reports. The consultant's report recommended that monitoring of bioaerosol emissions from the vents is carried out within four weeks of the first flock reaching maturity, and annually thereafter.

In addition, it was recommended that the monitoring report should be accompanied by an update to the risk assessment in the light of the measured bioaerosol emissions. The updated risk assessment should include modelling of bioaerosol emissions to evaluate potential risks at nearby properties, and confirmation of additional effective mitigation if the need for such mitigation is identified.

In concluding on the matter of Bio-Aerosols, the Consultant was satisfied that risks to nearby receptor sites have been assessed following robust methods and suitable mitigation actions have been suggested following best practice guidance.

#### Noise Impact.

The submitted noise assessment report prepared by InAcoustics (Ref. 19-226) which considers various noise scenarios arising from the proposed development and the potential noise impacts on the nearby Ashward House has been assessed by the Environmental Health Officer (EHO).

The noise report has considered the impacts under routine operation, delivery and export activities, as well as mucking out activities. The noise report has concluded that the proposed development would have a low noise impact on nearby residential dwellings.

Overall the EHO is satisfied with the noise assessment report submitted but as above has recommended that noise control measures are included in a wider management plan for the site to ensure that all environmental matters are considered in a single management document which its implementation can be secured by a planning condition.

#### Odour Impact.

In the appeal decisions, the proposed use of the chicken sheds for both appeals was for a capacity of 39,000 birds in 2005 and 44,000 birds in 2008. The 2008 figure was subsequently reduced to 39,000 birds.

In terms of odour impact, the Inspectors conclusion summary clearly states that *"in the absence of further information, the possibility of unpleasant odours adds further weight to my concerns."*

The submitted odour assessment is based upon the specific use of the site for pullet rearing. The EHO has considered the document and raised no objection to this subject to a condition restricting the site to this use only to prevent the change to a potentially more odorous form of agricultural at the site which has not been assessed.

The odour assessment and addendum odour assessment were assessed by the specialist and considered to be detailed, following good modelling practices and using conservative odour emission rates and odour concentration benchmarks. Following some minor clarifications, the specialist concluded that there are negligible impacts at the identified sensitive locations.

There was some concern regarding the potential impacts from the short-term activities around the cleaning out of the spent litter from the house at the end of the cycle. However, the specialist was satisfied that this can be managed through suitably worded planning conditions to secure a final Odour Management Plan.

The Odour Management plan submitted with the supporting documentation provides a well detailed qualitative assessment and presents a number of suitable mitigation measures following best practice. The specialist recommended that the presented measures and some additional actions should be secured via suitably worded planning conditions to ensure that odour risk associated with the house clean-out is minimised as far as possible.

As stated in the earlier sections, the proposal is recommended to be included with a management plan that sets out the methodology for operating the site.

#### Dust Impact.

In response to a query from the Environmental Health Officer, a dust assessment report was prepared. The report submitted assesses both the air quality and nuisance impacts of the proposed poultry shed units. Following the clarification of some details, the Environmental Health Officer is satisfied that the proposal is acceptable subject to a detailed management plan to cover the control of dust is submitted to the Local Planning Authority for assessment and agreement and thereafter the development shall be carried out in accordance with the approved details.

The second part of the dust assessment report considers the potential for dust nuisance to occur at nearby sensitive residential dwellings. The report concludes that there is a negligible risk to sensitive receptors based on good management practices being employed. As set out above, the Environmental Health Officer has suggested that the odour management can be secured and implemented through an appropriately worded Management Plan planning condition.

The EHO has advised that any management plan submitted shall be submitted in accordance with the requirements of the Environment Agency Sector Guidance Note EPR 6.09 Version 1 (March 2011) that contains recommended best practice for dust management at poultry installations.

## Management Plan

In order to secure the required measures as set out within the sections above, it is recommended that an operational management plan be secured by condition to demonstrate that all measures will be satisfactorily managed during the operation of the site.

Thereafter, the operation of the site shall be required to be strictly in accordance with the Management Plan and correctly implemented in the operation of the poultry houses, the risks to human receptors in relation to health, nuisance and residential amenity are considered likely to be negligible.

## Other Matters

Within the received objection letters, a query relating to how the scheme has been assessed against ensuring those with emotional or physical disabilities have not been placed at a 'significant disadvantage' by public organisations - in provision of services or decision making.

Having discussed this with the EPO and the Council Solicitor, additional information was requested from the correspondent as to which reports and guidance are being referred to in their submitted comments. To date, no additional information has been forthcoming on this subject despite two requests for information.

Having assessed the scheme in consultation with both the Councils Environmental Protection Officer together with input from specialist external consultants, Officers are satisfied that the scheme has been robustly assessed and are satisfied that the scheme is acceptable.

## Conclusion on neighbour impact

The proposal has been assessed regarding the potential impact on the amenity of neighbouring and nearby residents and has been considered acceptable subject to conditions securing the operation of the site in strict accordance with the details of the management plan being implemented in full.

Thereafter, the development must be operated strictly in accordance with the approved plan to ensure that the proposal does not result in harm to the amenity of nearby properties and this will be secured by condition.

Following an independent assessment of the potential impacts by a specialist company who is satisfied with the methodology used and that the assessments are robust, conditions are proposed to secure the final details of the operation of the development to ensure that the identified standards are achieved.

It must also be noted that the grant of planning permission does not preclude the use of powers under the Environmental Protection regulations should other issues arise.

Subject to the submission of an appropriate management plan, the proposal is considered acceptable having regard to Policy BE3 and NE5 of the Local Plan.

### **Highway Safety**

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The site is served by an existing vehicular access. As part of the application, a new access point is proposed to increase the available visibility from the access point. The revised access point has improved visibility compared to the existing access point and the County Highways Officer has raised no objection to the scheme in terms of visibility and is satisfied that the access point with the highway is constructed to appropriate standards.

Whilst the scheme previously had no objection from the County Highways Officer, the Local Ward Member raised concern regarding the proposed tracking drawings and size of vehicles indicated to service the site. Following discussions with the County Highways Officer, concern has been raised regarding the accuracy of the swept path analysis information and vehicles to be used to service the site that have been provided.

On this basis, Officers sought further information following a request from Highways that they will require confirmation from the feed suppliers and the bird collection company in order to establish exactly which vehicles will need to access the site. Once this has been confirmed, further swept path analyses of the specific vehicles would also need to be provided.

In response, the applicants have provided a summary of vehicles anticipated to service the site that detail the largest vehicle proposed to access the development.

This was then reviewed by the County Highways Officer and it was noted that the agent has provided similar information to that previously received and this was not in line with the request from County Highways.

Therefore, it remains that the Highway Authority cannot be sure that the proposal provides safe access as from the information submitted, this has not been satisfactorily demonstrated. The County Highways Officer has therefore now raised an objection.

At the current time, information is still outstanding and as such, the County Highways Officer has maintained their objection.

On the basis of the above, the development is considered contrary to Policies TR1 and TR3 of the Local Plan.

### **Impact on Ecology/Protected Species**



Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The original assessment of the proposal was considered by the County Ecologist who raised objection to the loss of the hedgerow together with the requirement to submit an Ecological Assessment. This was duly carried out by the applicants and assessed by the County Ecologist. The issues relating to protected species were considered to be satisfactorily addressed subject to conditions and notes whereas additional information was requested regarding Tree Protection details, and a Biodiversity Assessment.

Tree protection details have been submitted and the Ecologist is satisfied that the development would not have a significant impact on the hedgerow which can be satisfactorily mitigated with replacement planting to the existing access point. Additionally, a Biodiversity Assessment has been submitted that demonstrates that overall, there will be a net gain in Biodiversity.

During the consideration of the environmental impacts of the scheme, an assessment of the potential impact of ammonia emissions on ecological receptors was recommended by the Environmental Consultant. The applicants have provided an assessment of the potential impacts and this has been considered by Natural England who are satisfied with the results of the survey and have raised no objection to the scheme.

On the basis of the above, the Ecologist has removed their objection subject to conditions and notes. Officers therefore consider that the proposal is acceptable having regard to Policy NE3.

### **Trees/Hedgerows**

A small section of hedgerow is to be removed to facilitate the new access. This is mitigated for by the closure of the existing access and the reinstatement of a native hedgerow and trees to fill in the area. In addition, planting is proposed to the boundaries to provide additions tree and hedgerow which would result in an overall net gain.

### **Conclusion**

The proposed development is considered to be acceptable in principle insofar as the poultry buildings are acceptable in overall terms and the provision of a new workers dwelling has been justified under Policy H12 of the Local Plan.

The provision of agricultural buildings is appropriate development within the Green Belt. Whilst a new dwelling in this location is considered inappropriate development within the Green Belt, very special circumstances are considered to have been demonstrated in that there is a functional need for a workers dwelling to be provided on the site.

In terms of the access, Officers in consultation with Warwickshire County Highways have considered the impact on the Highway Network and are not satisfied that safe access can be provided to the site in terms of vehicles serving the site being able to enter and exit in a forward gear. The proposal is therefore considered to be detrimental to highway safety and the proposal is therefore recommended for refusal on this basis.

### **REFUSAL REASON**

Policy TR1 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will only be permitted that provides safe, suitable and attractive access routes. Some of the ways through which the policy expects this to be achieved is for development proposals to demonstrate that they are not detrimental to highway safety.

In the opinion of the Local Planning Authority the development proposed fails to demonstrate that vehicles serving the site can adequately enter, manoeuvre and exit the site in a forward gear. Due to the nature of the vehicles to be servicing the site, the proposal is considered to inadequately demonstrate that safe and appropriate access can be provided.

In the absence of information satisfactorily demonstrating safe and appropriate access can be facilitated the development is considered to be contrary to the aforementioned policy.

### **REFUSAL REASONS**

- 1 Policy TR1 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will only be permitted that provides safe, suitable and attractive access routes. Some of the ways through which the policy expects this to be achieved is for development proposals to demonstrate that they are not detrimental to highway safety.

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In the absence of information satisfactorily demonstrating safe and appropriate access can be facilitated the development is considered to be contrary to the aforementioned policy.

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**Planning Committee:** 10 January 2023

**Item Number:** 5

**Application No:** [W 22 / 1038](#)

**Town/Parish Council:** Baginton

**Case Officer:** Helena Obremski

01926 456531 [Helena.Obremski@warwickdc.gov.uk](mailto:Helena.Obremski@warwickdc.gov.uk)

**Registration Date:** 20/06/22

**Expiry Date:** 19/09/22

**Land at Rosswood Farm, Coventry Road, Baginton, Coventry, CV8 3AD**

Application for outline planning permission with all matters reserved save for access, for the demolition of existing bungalow and agricultural units, and the erection of up to 63 residential dwellings (Use Class C3), with public open space, parking and associated works. FOR Seven Capital plc

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This application is being presented to Committee due to an objection from the Parish Council having been received and because a S106 agreement is required.

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to health services, sports facilities, education services, libraries, sustainable travel packs, provision of public open space, public rights of way, road safety initiatives, biodiversity offsetting, private amenity space offsetting and affordable housing.

Planning Committee are also recommended to delegate authority to the Head of Development Services to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test.

Should a satisfactory Section 106 Agreement not have been completed by 7th February 2023, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

**DETAILS OF THE DEVELOPMENT**

This is an outline planning application with all matters reserved apart from access, for the demolition of the existing bungalow and agricultural units, and the erection of up to 63 residential dwellings, with public open space, parking and associated works.

A number of changes have been made to the scheme, including a reduction in the number of proposed units from 66 to 63 dwellings, amendments to ensure compliance with the required distance separations and garden sizes. The drainage basin has been reduced in size to provide more usable public open space and various minor amendments have been made to the areas of public

open space in order to address comments made by the Green Spaces Officer and WCC Landscape.

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

The site forms approximately half of allocated housing site H19 and is an undeveloped greenfield site, which is currently utilised as paddock land and is occupied by a bungalow and agricultural units. This is the southern section of the allocated housing site and the northern half of the allocation benefits from planning permission for 88no. units (W/20/0808).

To the east the boundary is an established native hedgerow which includes a limited number of hedgerow trees. Immediately opposite the site is Coventry Airport, which benefits from outline planning permission for a 'gigafactory' (W/20/1370) for the production of batteries for electric vehicles. To the south of the site lies a garden centre and to the west lies open countryside.

Baginton is classified as a growth village in which the application site is included, with existing residential development to the north east of the site. The Conservation Area boundary wraps around the north of the allocated site and Green Belt land surrounds the site.

### **RELEVANT PLANNING HISTORY**

W/20/0808 - planning permission granted for the proposed development of 56 no. affordable dwellinghouses, consisting of mixed tenure of Social Rent and Shared Ownership on land adjacent to Coventry Road, Baginton (northern half of H19 allocation, adjacent to the application site).

### **RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS1 - Supporting Prosperity
- DS2 - Providing the Homes the District Needs
- DS3 - Supporting Sustainable Communities
- DS4 - Spatial Strategy
- DS5 - Presumption in Favour of Sustainable Development
- DS11 - Allocated Housing Sites
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H10 - Bringing forward Allocated Sites in the Growth Villages
- H4 - Securing a Mix of Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities

- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- DM2 - Assessing Viability
- Guidance Documents
- Open Space (Supplementary Planning Document - April 2019)
- Affordable Housing (Supplementary Planning Document - June 2020)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Baginton and Bubbenhall Neighbourhood Plan 2018-2029
- G1 - Protecting and Enhancing Local Landscape Character
- G2 - Protecting and Enhancing Local Biodiversity, Wildlife and Habitats
- G3 - Managing Flood Risk
- G4 - Traffic Management and Transport Improvements
- BAG1 - Land North of Rosswood Farm
- BAG3 - Protecting and Enhancing Baginton Village
- BAG6 - Green Infrastructure

## **SUMMARY OF REPRESENTATIONS**

### **Baginton Parish Council: Objection:**

- General recommendations are for rural growth villages to expand by no more than 10% per decade i.e. 35 houses for Baginton.
- Overdevelopment and represents a 35% increase in total housing numbers for the village. This is the equivalent of taking a third of the current houses in the village and placing them onto this single site. The Parish Council has great concerns that this will lead to an unacceptable demographic change that will be detrimental to the village, along with permanently changing the character of our rural village.
- Recently released 2021 Census data shows that the Coventry population was 30000 less than the ONS predicted in 2014, so the Coventry housing numbers and those overspill houses that WDC have been asked to accommodate are now called into doubt. Baginton Parish Council questions

the justification for any increase in housing numbers over the 80 agreed for this site in the Local Plan, especially in light of the much reduced ONS figures.

- Lack of school places for children from Baginton. This year, two children did not get places in our priority catchment school due to it being oversubscribed and had to go to appeal.
- The application shows densely packed houses with in-line parking on most drives. The Parish Council is concerned that in-line drives frequently lead to on-road parking and overspill into adjacent roads, hindering emergency services and refuse collection.
- We appreciate that the developer has reduced housing numbers to provide more garden space, visitor parking etc. but the reduction in housing numbers is just too small.
- A total of 80 was agreed in the Local Plan, Neighbourhood Plan and by the independent inspector.
- No reason has been provided for a 54% increase in that figure and cannot be supported.

**Councillors Redford and Wright:** Objection:

- Overdevelopment - represents a 35% increase in housing numbers for the village, this is the equivalent of taking one third of the current houses in the whole of the village and placing them onto this single site.
- The Governments recommendation is for rural growth villages to expand by no more than 10% per decade ie; 35 houses.
- The Inspector concluded that 80 houses would make a significant and adequate contribution to meeting housing needs for the District. The recently released 2021 Census data shows that the Coventry population figures was 30000 less than predicated by the ONS in 2014. This would suggest that the overspill houses WDC have been asked to accommodate are now in serious doubt.
- The size of the development significantly outstrips the present infrastructure for healthcare and schools. The schooling issue is of particular concern especially as WCC have no plans to address this deficiency. This year two children did not get places in their priority catchment school, due to it being oversubscribed.
- Shows densely packed homes with the affordable houses within the site grouped together within an apartment building, which is totally inappropriate and goes against WDC's own policies.

**Severn Trent:** No objection, subject to advisory note.

**Housing:** Makes suggestions regarding affordable housing mix.

**SWFT:** No financial contribution required.

**Environment Agency:** No objection, subject to condition.

**Sports and Leisure:** No objection, subject to contributions of £4,522 towards outdoor sports facilities, £52,797 towards indoor sports facilities and £70,949 towards grass pitch facilities.

**NHS Coventry and Warwickshire:** No objection, subject to contribution of £53,589 towards improvements to doctors surgeries.

**WCC Infrastructure:** No objection, subject to £1,185 towards improvements to libraries, £664,605 towards improvements to education facilities, the provision of sustainable travel information to new residents or a contribution of £630 for WCC to provide these, £3,150 towards road safety initiatives, £944.82 towards improvements to public rights of way and a monitoring fee TBC.

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

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

**WCC Archaeology:** No objection following submission of additional information.

**WCC Ecology:** No objection, subject to conditions and biodiversity offsetting contribution.

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

**WCC Landscape:** Objection:

- lower density of development required, with more landscaping;
- lack of landscaping mitigation;
- attenuation feature will dominate available public space;
- little scope to include informal play areas;
- requests additional street trees.

**Open Space:** Comments:

- typologies plan will be required as part of S106 Agreement and necessary to calculate off-site commuted sums for improvements to nearby open spaces;
- welcomes increase of open space on site;
- objects to provision of LAP on site and applicant has not met required buffer zones around play areas to allow for free play;
- SuDS basin dominates the open space provision, it must fully integrate with the wider public open space provision - at the reserved matters stage the applicant must ensure that this feature brings wider amenity benefit to the site and that it is integrated into the POS scheme to deliver maximum benefit in terms of landscaping, amenity, ecology and drainage to the site;
- queries location of benches, railings around play area, bin stores, maintenance of public open space, footpaths along shared surfaces, location of parking;
- visuals or wireframes would be useful for LVA.

**Tree Officer:** No objection, subject to condition.

**Warwickshire Fire and Rescue:** No objection, subject to condition and compliance with building regulations.

**Waste Management:** No objection, comments that bin collection points need to be hard standing and they will need to be a substantial size.

**Conservation Officer:** No objection, given the current approval on the adjacent site. Recommends that dwellings do not contain a mixture of render and brick, as this would be unprecedented in Baginton with buildings traditionally comprised of either brick or render – not a combination of both. A palette/brochure of proposed materials should be submitted during the reserved matters application if approval is forthcoming.

**Warwickshire Police:** No objection, makes comments on location of play areas which need careful consideration.

**Coventry Airport:** No objection.

### **Public Responses:**

#### 4 Objections:

- our tight knit community run village will not survive this level of destruction;
- lack of infrastructure to support additional properties, namely schooling;
- exceeds number of homes allocated in local plan when combined with neighbouring site which will impact on local services;
- proposed layout is dense, unimaginative and better suited to an urban environment than to our beautiful semi-rural location;
- if approved the development will compromise the character of our local countryside;
- the roads and shops of Baginton are inadequate to support the additional traffic that the new houses would inevitably bring.

## **ASSESSMENT**

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

- the principle of the development;
- whether it is appropriate to permit more dwellings than the Local Plan allocation;
- the impact on the character and appearance of the surrounding area and conservation area;
- archaeological impact;
- residential amenity;
- car parking and highway safety;
- landscaping and impact on trees;
- drainage and flood risk;
- ecological impact;
- mix of market housing;
- provision for affordable housing; and
- section 106 contributions.

### **Principle of the development**

The site comprises part of an allocated residential housing site within the Local Plan. Therefore, residential development is considered to be acceptable in principle.



### Whether it is appropriate to permit more dwellings than the Local Plan allocation

This is part of an allocated housing site in the Local Plan. The Local Plan indicates that 80 dwellings would be an appropriate number of dwellings across the whole site, however it is important to note that this is not a maximum. The application site forms approximately half of the allocated housing site, so it can be broadly assumed that the Local Plan suggests 40 dwellings would be appropriate, whereas the application is for 63, resulting in an overprovision of housing by 58%. Taking the site as a whole, but noting that the permission for the northern half of the site has not yet been implemented, if this does come forwards, the total number of units across the site would be 119 units, creating an overprovision by 49%.

The explanatory text to Local Plan policy DS11 states that the sites were assessed against a number of criteria and an estimated figure for the number of dwellings for each site is shown. It also states that it is recognised that this figure may vary dependent on detailed planning at the application stage.

When considering the additional numbers above the allocation, Officers note that Strategic Policies DS2 and DS3 of the Local Plan seek to support the provision of homes that are required within the District as identified within the Objectively Assessed Housing Need. These policies also require development schemes to provide an appropriate level of affordable housing and a mix of new homes of all tenures.

The above policies are based upon the Government objective of significantly boosting housing supply. Furthermore, Policy DS6 identifies a minimum of 16,776 new dwellings during the local plan period of 2011 to 2029. Current rates of new development require the provision of 1,098 dwellings per year for the remaining Local Plan period until 2029.

Policy DS7 sets out the methodology for the provision of new housing over the plan period. The figures set out that the plan period has a significant number of site completions, extant permissions, existing commitments and new dwellings proposed through the sites that are allocated within the plan.

In addition to the identified sites, an additional 1010 dwellings have been earmarked within the Local Plan housing figures that would potentially come forward through windfall sites.

The Parish Council and Local Councillors have stated that the proposal is overdevelopment of the site, and represents a 35% increase in housing numbers for the village, which is the equivalent of taking one third of the current houses in the whole of the village and placing them onto this single site. They note that the Government's recommendation is for rural growth villages to expand by no more than 10% per decade ie; 35 houses. They also reference that the Inspector concluded that 80 houses would make a significant and adequate contribution to meeting housing needs for the District during the Local Plan examination. Objectors consider that the recently released 2021 Census data shows that the Coventry population figures was 30000 less than predicated by the ONS in 2014, which suggests that the overspill houses WDC have been asked to accommodate are now in serious doubt.

Whether the development is considered to constitute 'overdevelopment' is a judgement that should be made on whether the development is acceptable in planning terms rather than simply because the numbers are higher than the estimated number of dwellings in the Local Plan. The Local Plan estimates are based on less thorough assessments than are expected at planning application stage and therefore if it can be demonstrated that the number of dwellings proposed across the two sites is acceptable then the number itself should not be a reason to refuse the application. The approval of W/20/0808 which had an overprovision of 29% of the suggested number of units for that half of the allocation demonstrates this point.

With regards to the 2021 Census data, it is noted that Coventry's population was less than the ONS had previously predicted. However, it must also be noted that the population of Warwickshire and Warwick District is higher than estimates. With the publication of the new census data, the ONS now has a new benchmark against which to take an informed estimate of population in Coventry moving forward.

The planning policy decisions resulting in the adoption of the current Warwick District Local Plan have already been made, Green Belt boundaries already amended where relevant and in most cases, planning permissions issued. Therefore, the ONS figures will not mean changes to the adopted Local Plan. However, the Council are reviewing the Local Plan and are preparing a South Warwickshire Local Plan (SWLP) with Stratford-on-Avon District. Therefore, what is more significant is how this plays forward for the SWLP to 2050, both in terms of the recalculated levels of local housing need for Warwick District (known as the "Objectively Assessed Need") and in terms of calculating any unmet need from Coventry. This will all be considered on a sub-regional basis through a Housing & Economic Development Needs Assessment (HEDNA) that is currently being produced by independent consultants. The census results will now enable the HEDNA to be completed shortly and it is expected that this will in turn inform the estimates of the amount of growth that we will need to plan for in the SWLP.

The new census information is important as the Council develops a new Plan for the district up to 2050. In the meantime, the current adopted Local Plan will continue to remain in force.

In essence, the additional 23 dwellings proposed on this site could be considered as a windfall insofar as they would be additional dwellings not identified within the allocation but capable of being satisfactorily assimilated onto the site which is located within a sustainable area. There would be 10 of these homes which would come forwards as affordable units, which is a notable benefit.

Objections have raised concerns regarding the ability for local infrastructure to cope with the pressure of additional dwellings. However, no objections have been raised from statutory consultees that the additional pressure would not be able to be mitigated for. Various contribution requests have been made by the relevant consultees to mitigate the impacts of the development in this regard, which will be captured within a S106 agreement. These include contributions towards improvements to doctors surgeries and education facilities, which were noted as primary concerns by objectors.

Other benefits are capable of accruing as a result of the increased number of dwellings proposed relative to those estimated at the time of the allocation. Within the context of the Government objective to significantly boost housing supply, the provision of additional dwellings in a sustainable manner within a high quality development is considered to be a positive outcome which as set out above increases the provision of affordable housing and a wider tenure mix in a manner which may not otherwise be the case and in accordance with the relevant policies to suit the housing requirements of a variety of people. Therefore, Officers consider that the site is located in a sustainable area and the additional 23 dwellings would not result in an overprovision that would be detrimental to the overall strategy of the plan.

### Residential Amenity

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or visual intrusion. The Residential Design Guide provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of the nearest front or rear facing habitable room of a neighbouring property.

### *Relationship to existing residential properties*

Whilst not yet implemented, the permission for residential development to the north of the application site is a material consideration. The rear gardens of some properties and the side boundaries of two properties interface with the application site. It must be noted that the proposed development is submitted in outline, therefore the final layout will be considered at the reserved matters stage. However, the indicative outline shows that the development would have an acceptable relationship with the approved dwellings to the northern portion of the site.

Environmental Health Officers have assessed the application and confirm that a construction management plan would be required to protect the amenity of nearby properties from construction work. This is considered to be reasonable and necessary for the purposes of the development and has been secured by condition.

### *Proposed Living Conditions*

As amended, the proposed indicative layout shows that the proposed development would provide adequate living conditions for the future occupiers of the dwellings; the dwellings meet with the Council's minimum standards in terms of distance separation between properties, providing satisfactory light, outlook and privacy to habitable spaces. Furthermore, the proposal also provides the minimum size private amenity spaces for each garden in accordance with the requirements of the Residential Design Guide.

Environmental Health Officers note that the proposed development is located in close proximity to a number of noise sources that could adversely impact on future residents of the proposed dwellings including aircraft noise associated with Coventry Airport and road traffic from Coventry Road. The Environmental Health Officer had various queries regarding the noise report which was submitted with the application. However, they confirm that they are satisfied that these details could be dealt with by way of a planning condition requiring a supplementary noise assessment report and scheme of mitigation to be submitted to and approved by the local planning authority. This has been added.

The proposal is therefore considered to be in accordance with Local Plan policy BE3.

#### Impact on the character and appearance of the surrounding area and conservation area

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

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.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the 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.

BBNDP policy BAG3 states that development proposals within the village envelope of Baginton, including small infill sites and extensions to existing properties, must be sited and designed sensitively so as to respect and enhance their setting and, where appropriate, the Conservation Area. Development should be of a suitable scale, height and massing which responds to the built form of surrounding properties. Properties should be small in scale and no more than two stories in height; use appropriate local materials and detailing wherever possible, sympathetic to the design of properties in each identified character area; have appropriate regard for their impact, where appropriate, on key village views; include suitable landscaping and boundary treatment which is appropriate to the character of a rural Warwickshire village such as provision of low brick walls and hedges; have appropriate regard for their impact, where appropriate, on listed buildings, other heritage assets and their settings.

More specifically, in relation to this allocated housing site, BBNDP policy BAG1 states that proposals must consider, assess and address the following: the requirements of the Local Plan and in particular Policy H10 - Bringing forward Allocated Sites in the Growth Villages; the need to provide a landscape buffer of native trees to the west of the site and, wherever possible, the replacement of present fence boundaries with native hedging, and; an approach to design that recognises that an entrance to the village from the south is being defined; attention is required to integration with the existing settlement, and good accessibility to village services and facilities should be achieved with footpath and cycleway enhancements.

Objections to the development suggest that the development is too densely packed, with 'inline parking' leading to overspill on adjacent roads. Members of the public suggest that if approved the development will compromise the character of the local countryside.

The Conservation Area boundary is over 120 metres from the northern boundary of the application site. The approval of the housing site to the north will act as a buffer between the proposed development and Conservation Area.

The Conservation Officer was consulted and confirms that given the current approval on the adjacent site, he has no objection to this application. They recommend that dwellings do not contain a mixture of render and brick, as this would be unprecedented in Baginton with buildings traditionally comprised of either brick or render – not a combination of both. This recommendation has been passed onto the applicant and would be a matter which would be dealt with at the reserved matters stage of the proposal.

The details regarding the layout and design of the dwellings will be secured at the reserved matters stage, however, as amended the layout shows that the

landscape buffer required by the Neighbourhood Plan can be accommodated. Furthermore, the provision of the public open space and drainage basin to the south western corner of the site means that the built development would be effectively stepped away from the rural interface, which is considered to be an appropriate solution.

WCC Landscape have raised some concerns regarding the development, suggesting that the attenuation feature will dominate the public space. However, the plans have been subsequently amended to show that the drainage basin would be substantially smaller. The County Landscape Officer has requested a lower density of housing, with additional landscape mitigation, informal play areas and additional street trees. However, it must be remembered that this is an allocated housing site, within a growth village and to reduce the density of development which otherwise accords with the relevant Local Plan policies would represent an ineffective use of land in a sustainable location. Furthermore, the indicative layout shows tree lined streets on the main roads within the site and suitable landscape buffers to the west and southern boundaries which meet with the requirements of the Neighbourhood Plan.

Comments from the Parish Council regarding with 'inline parking' leading to overspill on adjacent roads are noted, however, tandem parking is the layout of parking sought within the Garden Suburbs principles which is identified as high quality layout and design. Other concerns identified by objectors are noted, however, for the aforementioned reasons, the principle of development as shown on the indicative plans is considered to be acceptable.

On this basis, the development would preserve the character of the Conservation Area and is considered to comply with the aforementioned policies.

### Archaeological Impact

WCC Archaeology have commented on the application and note that the proposed development lies within an area of significant archaeological potential located just to the south of the probable extent of the medieval settlement at Baginton. Roman activity is known from the surrounding area with the Lunt Roman Fort Scheduled Monument located approximately 550m to the north of the proposed development site. Roman settlement remains have also been identified to the east of Coventry Road approximately 250m and 150m north east of the site and also 320 m to the north.

A programme of archaeological evaluation undertaken prior to the determination of an application to develop land immediately adjacent and to the north of this proposal has identified evidence for Middle Iron Age and Roman period occupation of the site. In addition, the site of an Anglo Saxon settlement to the west of Baginton Church has been identified about 280m to the north west of the site and an Anglo Saxon Cemetery 220m to the north east.

A report detailing the results of a geophysical survey has been submitted with this application. Whilst the geophysical survey did not identify any magnetic anomalies which could be interpreted with any confidence as being archaeological in origin it is noted within the report that the strong ferrous

response detected across parts of the site may have masked weaker anomalies should they be present.

As acknowledged within the Archaeological Desk-Based Assessment which has also been submitted with this application there is a potential for this site to contain within it archaeological remains dating to the Roman, Saxon and medieval periods. The significance of any archaeological remains, should they be present, was unknown based on the initial information provided.

WCC Archaeology therefore concluded that the archaeological implications of the proposal could not be adequately assessed on the basis of the available information and requested that a programme of archaeological evaluation to be undertaken before any decision on the planning application is taken.

Trial trenching was carried out at the site which identified a small concentration of heat shattered stones and three pieces of flint debitage, but no further features were identified. The County Archaeologist has confirmed that the submitted evaluation is satisfactory and recommends that the archaeological contractor arrange for the deposition of the site archive, as agreed with the project design.

The County Archaeologist confirms that the proposed development is unlikely to have a significant archaeological impact and has no objection to the application. The proposal is therefore considered to be in accordance with Local Plan policy HE4.

#### Car parking and highway safety

Neighbourhood Plan policy G4 states that development proposals should consider, assess and address their potential to benefit highway safety and in particular, at an appropriate scale, examine:

1. Highway schemes that will improve use by and safety for pedestrians and cyclists;
2. Public and community transport improvements;
3. Additional parking provision that could benefit community facilities;
4. The impact of traffic flows through the village centres.

WCC Highways have assessed the proposal and note that the application is outline only and therefore the indicative site layout has not been assessed as part of this appraisal. The Highway Authority has considered the site access and impact of the development proposals on the surrounding Highway Network.

The proposal is supported by a Transport Statement which considers the impact of the development on the surrounding network. The Transport Statement has been reviewed and the conclusions reached within the statement are agreed by the Highway Authority. The proposals provide pedestrian connectivity to the village and bus services which are considered satisfactory. Concern has been raised that the existing road network will not be able to cope with the additional

demands from the proposed housing development, however, it is considered that it has been demonstrated by the applicant that the proposal would have an acceptable impact on the highway network.

A Routing Agreement will be required which direct construction traffic away from the village, which can be secured by condition. Conditions are also recommended regarding the proposed access arrangements and laying out of footways and estate roads. These have all been added.

Regarding the parking provision, the indicative layout shows that adequate parking can be provided in line with the Council's Vehicle Parking Standards.

The proposal is therefore considered to be in accordance with the aforementioned policies.

#### Landscaping and impact on trees

BBNDP policy G1 states that landscaping schemes should be designed to incorporate certain landscape design principles wherever possible to ensure opportunities are maximised for supporting local biodiversity, and to ensure new development responds positively to this high quality local environment. Native planting is encouraged and primary hedges and tree cover should be retained.

12 trees and 1 hedge would be removed to facilitate the development. All of these are classified as category C, of low quality. There is scope for ample replacing of these in terms of the number of trees, which would also be of improved quality in comparison to those which are existing.

The Council's Tree Officer has assessed the application and states that the tree report submitted with the application is sound and has carefully analysed the impact on trees. The Tree Officer considers that subject to a condition for the provision of a comprehensive arboricultural method statement, the development is unlikely to impact on trees of amenity value.

It is concluded that important landscape features will be protected. The proposal is therefore considered to be in accordance with Local Plan policy NE4.

#### Drainage and flood risk

The application site is located within Flood Zone 1, with a low probability of flooding.

Neighbourhood Plan policy G3 states that all new development must use above ground sustainable drainage systems (SuDs) providing attenuation to greenfield runoff rates. Development should set back development 8m from watercourses to allow access for maintenance and restoring the natural floodplain. Proposals should ensure all SuDS features are located outside of the 1 in 100 year plus climate change flood extent; and open up culverted watercourses and removing unnecessary obstructions.

Initially the LLFA had concerns regarding the development and objected to the proposal on the basis of inadequate information to show that the surface water drainage details were adequate. Additional information was provided by the applicant, which was assessed by the LLFA who deem this to be acceptable.



They now have no objection to the proposed development, subject to conditions for the provision of a detailed surface water drainage scheme and associated maintenance plan. This will ensure that suitable sustainable drainage systems in accordance with the requirements of the Neighbourhood Plan and Local Plan are provided. The drainage basin has however been reduced in size, and therefore the LLFA have been reconsulted on these plans. Members will be updated on this matter prior to the meeting, including conditions to be added regarding this matter.

It is noted that the Environment Agency has no objection to the proposal, subject to conditions which have been added.

A condition has also been added for compliance with Local Plan policy FW3 regarding water efficiency.

The proposal is therefore considered to be in accordance with Local Plan policies FW1, FW2 and FW3.

#### Ecological impact

Neighbourhood Plan policy G2 states that the Neighbourhood Area supports a range of protected and vulnerable species and development proposals should address, with mitigation where appropriate, their impact on these and related habitats. Positive measures may include, for instance, the use of swift bricks, bat and owl boxes, ensuring that converted buildings provide nesting and roosting spaces and other new features of wildlife value.

WCC Ecology have assessed the application and initially had concerns regarding the information submitted and biodiversity impact resulting from the scheme. Following discussions with the Ecologists, an updated BIA calculation which has been assessed by WCC Ecology, it is concluded that there would a net biodiversity loss of 2.46 units. Offsetting for this will be captured within the S106 Agreement.

WCC Ecology also recommend conditions which secure the provision of a Construction and Environmental Management Plan, a Landscape and Ecological Management Plan, and a lighting scheme.

The above conditions and recommendations are considered to be appropriate and reasonable. The proposal is considered to be in accordance with Local Plan policies NE1 and NE2.

#### Housing mix

##### *Affordable Housing*

Local Plan policy H10 states that "Housing development on sites allocated in the Growth Villages as set out in Policy DS11 will be permitted where the housing mix of schemes reflects any up-to-date evidence of local housing need through a parish or village Housing Needs Assessment, including those of neighbouring parishes. Beyond meeting this need, or in the absence of a local Housing Needs

Assessment, the scheme reflects the needs of the district as set out in the latest Strategic Housing Market Assessment."

The Housing Needs Survey Report for Baginton Parish Council (2018) concludes that the following housing is needed in Baginton:

- 2no. two bedroom housing association rented properties;
- 1no. three bedroom housing association rented property;
- 2no. two bedroom starter/shared ownership properties;
- 1no. three bedroom starter/shared ownership property.

The Officer Report for application W/20/0808 for the northern half of the H19 housing allocation confirms that the above needs were met by the previously approved scheme which is a material consideration. It is however noted that this approved scheme has not yet come forwards and been implemented.

As the application is submitted in outline, the final mix of housing is not yet confirmed. There would however be 41% affordable housing provided on site, which equates to 26 units, as follows:

- 25% First Homes = 7 units
- 60% Social Rent = 16 units
- The remaining 3 units would then be split between Affordable Rent and Shared Ownership, likely to be at 2/1 respectively

It is considered that the aforementioned identified housing need would be accommodated within the proposed mix.

On 24 May 2021, the Government published a Written Ministerial Statement (WMS) amending national planning policy to introduce a new affordable housing product, known as First Homes. The WMS set out key First Homes criteria and eligibility, as well as new requirements for their delivery through planning obligations, and confirmed these changes would take effect from 28 June 2021. The revised PPG confirms that a minimum of 25% of all affordable housing units secured through developer contributions should be First Homes.

The Council at present does not have a requirement within the Affordable Housing SPD for First Homes, as the WMS came forwards after its adoption. The PPG is however a material consideration and as the Council does not currently have a policy statement on the requirement for First Homes, therefore the split as set out above accords with the current national guidance set out within the PPG.

On this basis, whilst the comments from the Council's Housing Team are noted, the aforementioned affordable housing tenure split is considered to be acceptable and will be captured with the S106 agreement.

The following mix of affordable housing is proposed:

<b>Bedrooms</b>	<b>Total</b>	<b>% Proposed</b>	<b>WDC Requirement</b>	<b>Difference</b>
1-bedroom	4	15.38%	30-35%	-14.62%

2-bedroom	13	50%	25-30%	+20%
3-bedroom	8	30.77%	30-35%	0%
4-bedroom	1	3.85%	5-10%	-1.15%

The Council's Housing Team has confirmed the government's welfare reforms have had an impact upon social housing demand in terms of the size of properties for which people are eligible. As a result, the need in terms of rented accommodation is currently greater for one and two bedroom properties and this is borne out by the SHMA.

The Council's Housing Team have confirmed that they wish to see a small proportion of affordable two-bedroom bungalows on larger sites to address needs from older people and provide opportunities for downsizing. The calculation on this site of now 63 instead of 66 would suggest 1 bungalow which may be impractical.

Seeking to balance these factors as well as proposing even numbers for specific property types, the Council's detailed preference for the scheme matches the applicant's proposal in terms of housing mix.

On this basis, the proposed affordable housing mix is considered to be acceptable.

Councillors raised concerns regarding the spread of the affordable housing across the site. However, the site layout plan has been amended to show the affordable units spread out more evenly across the site than as first proposed and it must be noted that the application is submitted in outline and therefore the final layout will be assessed at the reserved matter stage.

### *Market Housing*

The following mix of market dwellings is proposed:

<b>Bedrooms</b>	<b>Total</b>	<b>Percentage</b>	<b>WDC requirement</b>	<b>Percentage Difference</b>
1 bedroom	0	0%	5-10%	- 5%
2 bedroom	8	21.62%	25-30%	-3.38%
3 bedroom	25	67.57%	40-45%	+22.57%
4+ bedroom	4	10.81%	20-25%	-9.19%

The mix of dwellings should be in general accordance with the SHMAA, which at present is not achieved at the site, with a notable under provision of 1 bedroom properties and significant over provision of 3 bedroom properties. The applicant's comments within the submitted information that the local needs survey and lack of accommodation for locals to downsize into represents material circumstances to deviate from the position of the SHMAA. However, as set out above, the identified need with the Local Housing Needs Survey has been addressed through the affordable housing provision. Furthermore, the allocation in Baginton forms part of the District's housing needs and whilst the Council would wish to see the development meets the needs of the local housing survey

principally (which it would do), the intention is also to increase the population within the village and these needs should be met.

On this basis, Officers consider it reasonable and necessary to add a condition which requires that the development accords broadly with the SHMAA in terms of market housing mix.

#### Section 106 contributions

The proposed development would create additional demand for local services and to mitigate this, contributions towards community facilities would be required. Negotiations into the levels of contributions are still ongoing and must be resolved to the satisfaction of the Local Planning Authority before a decision can be issued.

Having considered the available evidence, the requested contributions which are outlined below are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 63 dwellings on this site would have a material impact on or need for health services, sports facilities, education services, libraries, sustainable travel packs, provision of public open space, public rights of way, road safety initiatives, biodiversity offsetting, and affordable housing.

This is a particular issue given the cumulative impact that is expected from the substantial level of housing growth proposed across the District. It is reasonable to expect a development of this size to contribute towards the additional costs associated with meeting these increased demands. The relevant consultees are currently seeking to identify specific projects and locations where this money would be spent. Therefore it is considered that appropriate contributions are necessary to make the development acceptable in planning terms and subject to being directly related to the development, and are fairly and reasonably related in scale and kind to the development (as required by Regulation 122).

The necessary contributions identified would be secured through an appropriate Section 106 Legal Agreement. At the time of writing, the following requests have been received:

- Public open space maintenance and offsite contribution,
- £53,589 towards improvements to doctors surgeries,
- £944.82 towards improvements to public rights of way,
- £1,185 towards improvements to libraries,
- £664,605 towards improvements to education services,
- £630 towards sustainable travel promotion (or developer to provide to future occupants),
- £3,150 towards road safety initiatives,
- £4,522 towards outdoor sporting improvements,
- £52,797 towards indoor sporting improvements,
- £70,949 towards grass pitch improvements,
- Biodiversity Offsetting scheme, with contribution capped at £87,312
- Affordable housing of 40% of the dwellings
- Monitoring fee for County Council, based on set calculation: £500 + (5 hours x £40 Officer time x Number of triggers),

- Monitoring fee for the District Council - based on set calculation (see Developer Contribution SPD)

Any additional requests or amendments to the list above will be reported in the update sheet.

The aforementioned contributions are considered to address concerns identified by objectors regarding lack of sufficient infrastructure provision to support the proposed development.

The applicant has agreed in principle to all of the above Section 106 contributions.

### Open Space

Neighbourhood Plan policy BAG6 states that proposals for new public open space should adopt the Green Infrastructure (GI) approach and be designed to provide open space, sport and recreation uses which:

- Are accessible to all; and
- Safeguard and enhance the natural and historic environment; and
- Protect priority species and enhance habitats and sites of special biodiversity interest.

There has been negotiations between the applicant and Green Spaces Officer in order to deliver suitable open space for the site, which meets the needs of future occupants. However, this is a fairly unique site in that it is in a semi-rural location, but will benefit from multiple high quality public open spaces within walking distance of the site, notably the Gateway South Community Park and playing fields immediately to the north of the allocation. The approved development to the north of the site and delivery of public open space as part of this development is also a material consideration.

Initially, concern was raised regarding the scale of the drainage basin, which took up most of the public open space serving the site. This has since been halved in size and an area of formal gardens now replaces this. The drainage basin would provide a pleasing visual feature which has biodiversity enhancements, whilst the formal garden area allows space for relaxation and enjoyment. Various minor details has been requested such as the location of benches, railings, footpaths etc, however, these details would be secured at the reserved matters stage.

The Green Spaces Officer has confirmed that subject to the formal gardens area being suitably designed with landscape features (and not just a grassy area), that the open space provision within the site boundaries is acceptable. There would need to be a financial contribution to mitigate the under provision on site in comparison to the requirements of the Public Open Space SPD, however, this principle was applied to the northern half of the allocated site, so is acceptable. It is the Green Spaces Officer's recommendation that a typologies plans is a requirement of the S106 Agreement and that the offsite contribution is secured once the detailed layout is finalised.

### Climate Change

Local Plan policy CC1 states that all development is required to be designed to be resilient to, and adapt to the future impacts of, climate change through the inclusion of the following adaptation measures where appropriate:

- a) using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- b) optimising the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading, in accordance with Policy NE1;
- c) incorporating water efficiency measures, encouraging the use of grey water and rainwater recycling, in accordance with Policy FW3;
- d) minimising vulnerability to flood risk by locating development in areas of low flood risk and including mitigation measures including SuDS in accordance with Policy FW2;

As stated above, the requirements of policy FW3 have been controlled by condition. It is also noted that the site is located in the lowest area of flood risk. The remaining points can be secured by condition, which has been added.

The development is therefore considered to be in accordance with policy CC1.

#### Air Quality

Warwick District Council has adopted an air quality and planning supplementary planning document (AQ SPD) (2019) to tackle the cumulative air quality impacts of new development in the district. The AQ SPD establishes the principle of Warwick District as an emission reduction area and requires developers to use reasonable endeavours to minimise emissions and, where necessary, offset the impact of development on the environment. The guidance sets out a range of locally specific measures to be used to minimise and/or offset the emissions from new development. The proposed development would be classified as a minor scheme under the AQ SPD and therefore Type 1 mitigation measures will be necessary. The applicant's planning statement proposes the installation of 1no. electric vehicle charging point per dwelling which would be sufficient to satisfy Type 1 air quality mitigation requirements. The provision of electric vehicle charging points has been secured by condition.

#### Other matters

The proposed development site currently comprises of enclosed fields to the north and a farmhouse, outbuildings, workshops, driveways, and parking areas situated at the south of the site. The applicant has submitted a combined Phase I and II investigation report that considers the history and previous land uses of the proposed development site as well as the surrounding area. The initial conceptual site model (CSM) identifies a number of potential pollutant linkages and recommends that these are assessed further with an intrusive site investigation. The results from the site investigation have identified elevated concentrations of lead, polycyclic aromatic hydrocarbons (PAHs), and petroleum hydrocarbons within made ground in the vicinity of the workshop buildings at the south-western area of the site. Ground gas monitoring in this area has also identified carbon dioxide concentrations >10%. On this basis, the report has

recommended that further investigation is undertaken upon demolition of the existing buildings to confirm the depth of the made ground, collect additional samples of strata beneath the existing structures, and to determine the extent of the made ground material. The report also recommends that additional ground gas monitoring is undertaken. The Environmental Health Officer agrees with the recommendations of the report and advises that this is secured by a planning condition, which has been added.

Severn Trent, Warwickshire Police and Warwickshire Fire and Rescue have no objection to the proposal, subject to conditions and informative notes, which have been added.

The Council's Waste Management Team have no objection to the application, but note that the bin storage would need to be on hardstanding and collection points would need to be fairly sizeable. This would be a matter to be dealt with at the reserved matters stage.

## **Conclusion**

It must be noted that the application is submitted in outline, with all matters reserved apart from access. WCC Highways have confirmed that the proposed access to the site and associated transport movements has an acceptable impact on highway safety. Notwithstanding this, the applicant has provided an updated indicative layout which demonstrates that the development would have an acceptable impact in terms of landscape character, design and amenity. Furthermore, the indicative layout demonstrates that adequate parking can be provided which meets with the Council's standards. All other matters can be suitably controlled by condition or will be determined at the reserved matters stage. It is noted that there would be an over provision in the number of units in comparison to the guide set out within the Local Plan. However, as the proposal has demonstrated that the site can accommodate the number of dwellings without a detrimental impact on the wider area, these additional units are considered as a material benefit.

The application is therefore recommended for approval.

## **CONDITIONS**

- 1 Details of the following reserved matters for the development shall be submitted to and approved in writing by the local planning authority before any part of that phase of the development is commenced:-
  - the layout of the phase and its relationship with existing adjoining development;
  - the scale of the buildings;
  - the appearance of the buildings; and
  - the landscaping of the site.

The development shall be carried out in full accordance with these reserved matters as approved. **Reason:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan PL001 and specification contained therein, submitted on 20th June 2022. **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.
- 5 The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; 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, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works; a construction phasing plan; and a HGV routing plan. A model CMP can be found on the Council's website ([https://www.warwickdc.gov.uk/downloads/file/5811/construction\\_management\\_plan](https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan)) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.
- 6 Prior to the commencement of the development hereby approved (including all preparatory work), an Arboricultural Method Statement, including a tree protection plan, for the protection from harm during the development of all the trees identified for retention shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved Arboricultural Method Statement. **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.

- 7 The development hereby permitted, including site clearance work, shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for badger, bats, breeding birds and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.
- 8 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles and hedgehog houses). Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF.
- 9 Notwithstanding details contained within the approved documents, prior to commencement of development, a Sustainability Statement including an energy hierarchy scheme and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;
- a) How the development will reduce carbon emissions and utilise renewable energy;
  - b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
  - c) How proposals will de-carbonise major development;
  - d) Details of the building envelope (including U/R values and air tightness);
  - e) How the proposed materials respond in terms of embodied carbon;
  - f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
  - g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for

urban cooling, local flood risk management and to provide access to outdoor space for shading,

No dwelling/ building shall be first occupied until the works within the approved scheme relating to that dwelling/building have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

10 1. With the exception of demolition, no development shall take place until: -

a) A supplementary site investigation has been undertaken in accordance with the recommendations of the approved geo-environmental assessment report. The investigation must be comprehensive enough to enable:

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

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

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

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

3. 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 and NE5 of the Warwick District Local Plan 2011-2029.

- 11 The development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 12 Prior to the occupation of the dwellings hereby permitted, one 3.7kW (minimum) electric vehicle recharging point per dwelling with a dedicated parking space and one per 10 unallocated residential spaces shall be installed. Prior to installation, the following details shall be submitted to and approved in writing by the Local Planning Authority (LPA): (1). Plan(s)/ drawing(s) showing the location of the electric vehicle recharging points; and (2). A technical data sheet for the electric vehicle recharging point infrastructure confirming the charging speed in kWh. Thereafter the electric vehicle recharging points shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded).

**Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the

Warwick District Local Plan and the Air Quality and Planning  
Supplementary Planning Document.

- 13 The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any dwelling to the satisfaction of the Local Planning Authority.

**Reason:** In the interests of Public Safety from fire and the protection of Emergency Fire Fighters.

- 14 Prior to occupation of any part of the approved development, a verification report demonstrating completion of the works set out in an approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. **Reason:** To ensure the protection of Controlled Waters (notably the underlying Secondary A and Principal aquifers) and to confirm any remedial works where required are completed to a satisfactory standard.

- 15 As part of a future reserved matters application pertaining to scale and/or layout, a supplementary noise assessment and scheme of mitigation including detailed arrangements to protect residents of the development from excessive road traffic and excessive aircraft noise entering habitable rooms, and shielding garden areas from excessive road traffic noise, shall be submitted to and approved in writing by the local planning authority. Once approved the scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 16 The development shall not be occupied until the vehicular access into the application site have been provided, as shown indicatively on Drawing Number PL003 Rev J and constructed to the standard specification of the Local Highway Authority. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 17 The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Warwick District Council Provision of a Mix of Housing" SPG. **REASON:** To ensure that the housing meets the needs of the District as required by Local Plan Policy DS7 and the NPPF.

- 18 The construction of the estate roads serving the development including footways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority. **Reason:** To ensure that a footways, verges and footpaths are constructed to a satisfactory standard when the development is completed thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 19 No dwelling shall be occupied until the estate roads (including footways) serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority. **Reason:** To ensure that a estate roads are constructed to a satisfactory standard when the development is completed thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 20 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.
- 21 No lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures (including details of hours of operation) shall have been submitted to and approved in writing by the Local Planning Authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. In discharging this condition the District Planning Authority expects lighting to be restricted around the boundary edges/hedgerows 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. **Reason:** To ensure that protected species and habitats to be retained are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 22 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted. Any tree(s) or shrub(s) removed, dying, or being severely

damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted . All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

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**Planning Committee:** 10 January 2023

**Item Number:** 6

**Application No:** [W 22 / 1546](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Helena Obremski

**Registration Date:** 18/10/22

**Expiry Date:** 13/12/22

01926 456531 [Helena.Obremski@warwickdc.gov.uk](mailto:Helena.Obremski@warwickdc.gov.uk)

**16 Cross Street, Leamington Spa, CV32 4PX**

Demolition of existing building and erection an apartment building comprising 8 units FOR GSK Developments

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

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed in the report and the signed unilateral undertaking to remove rights of future occupants from applying for parking permits.

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the demolition of the existing building serving the site and the erection of an apartment building comprising of 8 units.

This is a similar scheme to W/22/0125 which was refused on the following grounds only:

*Based on the information available, it is likely that the future occupiers of the development would need to keep their windows closed and rely on mechanical ventilation the majority of the time to ensure an acceptable internal noise environment. Officers do not consider that this would provide a satisfactory living environment for future residential occupiers. Elevated noise levels at the site mean that residents would be forced to choose between natural ventilation and exposure to elevated noise levels. The limited opportunities to open windows can have a psychological impact on individuals as it removes their connection with the outside world. On this basis Officers consider that a poor living environment would be provided for future occupiers.*

*Notwithstanding the above, the application also fails to provide sufficient information to demonstrate that appropriate ventilation and thermal comfort arrangements will be provided as a result of the proposed noise mitigation measures and also fails to provide a clear noise assessment of impacts arising from rear car park.*

Lightwells have been provided at the rear of the apartments in order to provide screening from the car park at the rear of the development to minimise adverse

noise and air quality impacts, but also provide access to openable windows for natural ventilation. There have also been minor alterations to the fenestration.

## **THE SITE AND ITS LOCATION**

The application site relates to a two storey converted warehouse located on the southern side of Cross Street, with a lawful use as offices. Dwellinghouses are located on the opposite side of the highway to the north and a four storey office building and associated car park is located to the immediate rear of the site to the south. The site is within the urban area of Royal Leamington Spa and the Conservation Area.

## **RELEVANT PLANNING HISTORY**

W/84/1135 - application approved for use of premises as offices and warehousing.

W/85/1133 - application approved for use of premises as offices and warehousing.

W/87/1104 - application approved for erection of a first floor extension to form group boardroom.

W/15/1292 - application refused for demolition of existing single storey archive warehouse, replacing with 4no. 2.5 storey 3 bedroom dwelling houses.

W/20/0077 - prior approval given for proposed change of use building from Office use (B1a) to residential use (C3) under schedule 2, Part 3, Class O of the GPDO 2015.

W/21/1029 - application withdrawn for the demolition of existing building and erection of 5 (2.5 storey) dwellings.

W/22/0125 - application refused for the demolition of existing building and erection of an apartment building comprising 8 units.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### **Warwick District Local Plan 2011-2029**

- H1 - Directing New Housing
- H4 - Securing a Mix of Housing
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE5 - Protection of Natural Resources
- HE1 - Protection of Statutory Heritage Assets
- TR3 - Parking
- FW3 - Water Conservation



- TCP1 - Protecting and Enhancing the Town Centres
- TC12 - Protecting Town Centre Employment Land and Buildings
- EC3 - Protecting Employment Land and Buildings
- CC1 - Planning for Climate Change Adaptation

#### Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

#### Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS2 - Housing Design
- RLS3 - Conservation Area
- RLS5 - Royal Leamington Spa Housing Mix and Tenure
- RLS12 - Air Quality
- RLS16 - Royal Leamington Spa Town Centre

### **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** Objection, the Town Council is supportive of an appropriate redevelopment of this brownfield site but would like to reiterate its objection to this application on the following grounds:

1. Overdevelopment of the site.
2. Negative impact on the neighbours' amenity in terms of loss of light and overlooking.
3. Holding objection until comments are received from Conservation, Environmental Health and WCC Highways.

The plans do not appear to be much altered from the application W/22/0125 which was refused earlier this year.

**WCC Ecology:** No objection, recommends inclusion of informative notes relating to bats, nesting birds and hedgehogs.

**Waste Management:** No objection.

**Conservation Officer:** Objection, the proposed design, scale and massing is identical to the previous submission.

**Environmental Protection:** No objection, subject to conditions.

**CAF:** Objection: harmful to the character of the conservation area, as the design, size and scale are not reflective of the history of the area as a mews road, and its single north-west facing aspect raises concern when considering potential living conditions:

- Whilst the current building was of no considerable architectural value, it is modest in size and scale, and a historic component of the variable character of Cross Street, reflective of this area's past as a Mews Road.
- The proposed design for the replacement building is too grand and too large for a mews road, attempting to be reflective of the lavish houses that would have fronted the main streets rather than the coach houses and ancillary structures which would have been found on this rear road.
- Too many flats were being proposed for too little space, with the ambitions and design of the proposal disregarding the historic 'mews' nature of the location within the conservation area.
- Concerns regarding air flow, heat management and light to the building were raised.
- Imperial House, which surrounds the plot, has been vacant and will likely be scheduled for redevelopment, at which time the blank rear aspect of this development would look very strange.
- The 'car free' development was welcomed by some members as a bold commitment to sustainability, however others questioned how rigorously this would be enforced.
- The green space to the front of the proposal would be out of character for a Mews Road, as such areas would historically be paved.
- It was positively remarked, however, that the refuse and cycle storage areas had been shielded away from the road.

**WCC Highways:** No objection.

### **Public Responses:**

5 Objections:

- design: overdevelopment;
- amenity: poor amenity for future residents - changes to the rear do not overcome the reasons for refusal of the previous application; inaccurate information in the noise survey regarding surrounding uses; concerns over air flow, heat management and light have not been answered in the latest noise survey; loss of privacy and light to neighbouring properties; impacts of construction work; disturbance from comings and goings of residents on future occupiers from Imperial Court;
- parking: on street parking is at capacity on nearby streets and the development will add to this parking stress impacting on the amenity of existing residents; doubts over the accuracy of the parking survey given the existing parking stress experienced by residents;
- devalues nearby properties and will reduce ability to sell in future;
- comments raised by members of the public on the previous application were ignored.

### **ASSESSMENT**

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

- Principle of Development: loss of offices, demolition of the existing building and provision of additional housing;
- Design and Impact on Heritage Assets;

- The impact on the living conditions of nearby dwellings and living conditions for the future occupiers of the site;
- Car Parking and Highway Safety;
- Ecological Impact;
- Housing Mix
- Waste;
- Climate Change;
- Air Quality;
- Other Matters.

### Principle of Development

#### *Loss of offices*

Local Plan policy EC3 states that the redevelopment or change of use of existing employment land and buildings, such as use class B1 (including offices), will not be permitted. The application site is located within the town centre employment area, so must be classed as employment land. It should be noted that the use class order has been updated since the adoption of the Local Plan, and use class B1(a) no longer exists.

The offices would now be classed as use class E (commercial, business and service uses). Moreover, there are no conditions limiting the existing use of the site specifically for office use. Use class E now covers retail, financial or professional services, cafes, restaurants, research and development facilities, light industrial processes, clinics, health centres, nurseries and gymnasiums, amongst other uses. Therefore, the offices could be converted to any of the aforementioned uses, most of which do not form former "employment" uses, without the need for planning permission. The updating of the use class order to include a variety of town centre uses within the same use class gave a clear direction that these were appropriate and should not be unduly restricted.

Officers are also mindful that there is an extant prior approval application at this site for change of use from offices to residential use. On the basis of the aforementioned considerations, it is considered that the loss of offices in this location is acceptable.

#### *Demolition of the existing building*

Local Plan policy HE2 states that there will be a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area. Consent for total demolition of unlisted buildings will only be granted where the detailed design of the replacement can demonstrate that it will preserve or enhance the character or appearance of the conservation area.

The Conservation Officer confirmed under the previous application at this site (W/22/0125), that the existing building does not contribute towards the significance of the Conservation Area, nor has he raised concerns regarding its loss under this application. Officers agree with this conclusion. The Conservation Area Forum note that existing building is of no considerable architectural value, but that it is modest in size and historic component of the variable character of

Cross Street. Officers consider that the existing building is of an unremarkable design, with a single storey flat roof section, which adds no material architectural value to the street scene.

Notwithstanding these conclusions, in accordance with the requirements of the policy, permission can only be granted where the replacement can demonstrate that it will preserve or enhance the character or appearance of the conservation area. This is discussed in more detail below. However, the principle of the demolition of the existing building is accepted, subject to the aforementioned consideration. This was the same conclusion drawn under application W/21/1029 and deviation from this given there has been no material change in circumstances would be unreasonable.

#### *Provision of additional dwellings*

Neighbourhood Plan Policy RLS1 states that new housing development within the Royal Leamington Spa Urban Area will be supporting for the following:

1. Re-use of previously developed land and buildings.
2. Infill development of less than 10 dwellings, that does not lead to the loss of residential gardens (unless in accordance with Policy H1 of the Warwick District Local Plan), overdevelopment, or have a significant adverse impact on the amenity of adjacent existing and future occupiers and uses.
3. Proposals for custom and self-build housing provision that are acceptable when assessed against Warwick District Local Plan Policy H15.
4. Community-led housing developments and the provision of live/work units on the Court Street area as defined in allocation H16 of the Local Plan.
5. Proposals for purpose-built student accommodation when positively assessed against Local Plan and any relevant supplementary planning document.

Development of previously developed land shall undertake a surface water outfall assessment, following the Drainage Hierarchy (National Planning Practice Guidance, paragraph 80) to determine if there are viable alternatives to existing connections to the combined sewer network. This has been secured by condition.

The proposal would represent the reuse of previously developed land within the urban area boundary and therefore meets the above requirements for new housing development.

Local Plan Policy H1 states that new housing development will be permitted within the urban areas. Leamington Spa is identified as being an urban area on the proposal maps and therefore meets this criteria. The principle of housing on this site is considered to be acceptable and accords with the requirements of Local Plan Policy H1 and Neighbourhood Plan Policy RLS1.

Officers came to the same conclusions under the previously refused application (W/22/0125) and have no reason to come to an alternative view under this application. The proposed development is therefore considered acceptable in principle.

#### Design and Impact on Heritage Assets

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

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. This means that considerable importance and weight must be given to any harm caused to designated assets in the planning balance.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the 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.

Neighbourhood Plan policy RLS3 states that development proposals that are within or directly affect a Conservation Area must assess and address their impact on their heritage significance. Proposals must demonstrate attention to the following where relevant:

- a) The proposed building type, style, materials and colours in relation to the character area in which it is located and its distinguishing features;
- b) The relationship of the proposed layout to the existing road pattern, plot sizes, and the balance between buildings and garden spaces;
- c) Building height, scale and rooflines sympathetic to the local setting;
- d) How the development interfaces with and respects the significance listed buildings and non-designated heritage assets, landmark buildings, classical set pieces, parks and gardens, watercourses and the canal;
- e) Retention or enhancement of gardens, open spaces, trees and, where possible, inclusion of new tree planting;
- f) Retention, restoration and reinstatement of period details e.g. decoration, ornamentation, ironwork;
- g) Retention and creation of off-street car parking;
- h) Retention and reinstatement of shopfronts in accordance with Policy RLS17 of this plan;
- i) Use of hard and soft landscaping and suitable boundary treatments when considered in relation to the surrounding local context;
- j) Protection of key groupings of buildings as identified in the Conservation Area Assessment;
- k) Appropriate assessment of any remains of archaeological value, including field evaluation where existing information is absent;
- l) Protection of key views especially of landmark buildings, classical set pieces, parks and gardens, bridges, the rivers and canal and at key gateways and along key thoroughfares, all as identified in the Conservation Area Assessment; and
- m) Identifying and reinforcing any links with the town's historic past, such as the spa town, railway and canal legacies.

RLSNPD Policy RLS2 states that planning proposals for new housing development will be required to achieve good design. They should function well for all by being *Lifetime Homes* and make a positive contribution to the quality of the built environment in Royal Leamington Spa. Proposals will be assessed against Warwick District Local Plan Policy BE1 and should have regard to any relevant Supplementary Planning Documents, including the Warwick District Council *Residential Design Guide SPD*.

The Town Council and members of the public considers that the proposal represents overdevelopment.

As noted above, it is not considered that the existing building makes a positive contribution to the character and appearance of a Conservation Area, or the street scene, therefore the presumption in favour of its retention does not apply.

The street scene is mixed, with a converted modest warehouse style building opposite, two storey residential properties within the street, some with third floor accommodation, and three storey office development next to the site, of poor architectural quality. The street has a sense of a service road, in terms of its size, but it does not benefit from traditional service buildings, such as mews properties or coach houses, which are common along service roads within this Conservation Area. Within the wider area there is larger scale, three and four storey development. The character of the street scene and nearby area is mixed, as noted by the Conservation Area Forum.

The development provides a flatted scheme. This adopts a Regency style design, with a main two storey frontage, and a third floor which is stepped back from the front elevation and two smaller side wings, stepped back from the front elevation. It would have white rendered walls, brick banding detailing and a flat roof design, in keeping with similar development found commonly within this part of the Conservation Area.

The Conservation Officer has maintained concern regarding the current design. He noted under the previous application that the site forms part of a mews street in its overall character, notably to the eastern side of Cross Street. He considered that the design and scale of the development does not preserve or enhance the Conservation Area. In his comments for the current application he notes that as the design, scale and mass is identical to the previous application, he maintains his objection.

The Conservation Area Forum also raise concern regarding the design of the development, stating that the proposal is too grand and too large for a mews road, attempting to be reflective of the lavish houses that would have fronted the main streets rather than the coach houses and ancillary structures which would have been found on this rear road. They also consider the proposal to represent overdevelopment which does not respect the historic mews character of the area. They also suggest that the green space to the front of the proposal would be out of character for a Mews Road, as such areas would historically be paved.

Officers have considered the aforementioned comments. Whilst it is noted that the street scene is a fairly small road, in Officers view, it does not display the traditional architectural characteristics of a service road within this part of the Conservation Area. The existing properties are not small scale mews properties or coach houses, they are generally two storey terrace properties, some with third floor accommodation. There is a three storey dwelling of Regency design, not dissimilar design to that which is proposed further along the road, and a converted warehouse opposite the site. Neighbouring and opposite the site is much grander scale development of three and four stories, fronting onto Willes Road. This in highlights the mixed character of the immediate area.

The proposed development would be read predominantly as a two storey building when viewed within the street scene. The two side wings which are set back from the main elevation reduce the overall bulk and mass of the building in terms of the perception of its width and the third storey of the building is set back from the frontage. Whilst the third floor would be perceptible on the approach from either end of the street scene, this would be viewed against the back drop of the much larger development behind it and therefore it would not appear out of keeping.

The simple and appropriate Regency design of the building is considered to sympathetically respond to the character of the area and Conservation Area. There are rendered buildings within the street scene and a similarly designed property exists nearby, at the end of Rosefield Street. The street scene of Rosefield Street is considered similar to that of Cross Street in terms of the scale and design of the architecture. It is noted that there are no other three storey buildings serving this section of Rosefield Street, and that the similarly designed

development still sits comfortably within it. Officers therefore see no reason why the proposed development would not harmonise well within Cross Street.

It is however noted that the bulk and massing of the development will appear larger than that which is currently there, and that the development will add a new architectural element to the street scene. Given the mixed character of the area, on balance, this is considered to be acceptable.

For these reasons, Officers consider that the development would preserve the character of the Conservation Area, and has an acceptable impact on the character of the area and street scene. The development is therefore considered to be in accordance with the aforementioned policies.

This was the conclusion reached under the previous application. There have been very minor design alternations to the fenestration in the public domain which are acceptable. The provision of light wells at the rear of the property will not be visible within the public domain and in any event are considered to be acceptable in design terms. Officers have no reason to take a different view on this application, which would be unreasonable given the decision of the previous application and lack of change in material circumstances.

It is noted that Neighbourhood Plan policy RLS3 states that parking should be retained and created. However, in this constrained town centre location, providing parking would compromise the number of units. This is the same as the current arrangements for the site. This matter is considered in more detail below. Given that the proposal results in the provision of additional residential units in a sustainable location, and as the parking arrangements can adequately be addressed, it is not considered necessary for parking to be provided in site.

#### The impact on the living conditions of nearby dwellings and living conditions for the future occupiers of the site

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

The Town Council considers that the development would have a negative impact on neighbouring amenity in terms of loss of light and overlooking. Members of the public raise concerns regarding a loss of privacy and light to neighbouring properties, and from the impacts of construction work. Members of the public also suggest that the development provides poor amenity for future residents, stating that the changes to the rear do not overcome reasons for refusal of the previous application. They state that inaccurate information is provided within the noise survey regarding surrounding uses, and have concerns over air flow, heat management and light, which are also noted by the Conservation Area



Forum. Members of the public also raise concerns regarding disturbance from comings and goings of residents on the future occupiers from Imperial Court.

### *Impact on Neighbouring Amenity*

Properties 23 - 25 Cross Street face directly opposite the site - these buildings are understood to be in office / commercial use. 21 Cross Street is also opposite the site, but not directly, and sits at an angle, slightly facing away from the site. There is no minimum distance separation stipulated within the Residential Design Guide between the front of properties and commercial premises.

The proposed development will provide additional windows at first floor which would face at an angle towards 21 Cross Street. No direct overlooking would therefore result in this case. It is considered that owing to the position of the proposed windows and existing angle of the windows serving 21 Cross Street, that the development would not have an unacceptable impact in terms of loss of privacy, light or outlook to this neighbour.

Any additional third floor windows serving the proposed development would be over 26 metres away from the rear of William Thomas House (fronting Willes Road opposite the site). Given that this neighbour is far greater in height and scale and that the first floor windows would be the only floor of the proposed development which is likely to impact on the neighbours owing to the relationship between the properties, and fact that a road separates the two buildings, this relationship is considered acceptable.

Imperial Court is located at the rear of the site. This is currently used as offices, but benefits from permission under prior approval to convert the building into flats. Windows serving habitable rooms to Imperial Court which would be positioned immediately opposite the proposed development would be 19 metres from the rear elevation - the proposed rear elevation would not benefit from windows which serve habitable rooms and in the main would be obscured by the car park which serves Imperial Court. This relationship therefore meets with the requirements of the Residential Design Guide.

Proposed side facing window are be conditioned to be permanently obscure glazed and non-opening unless above 1.7 metres in height to protect windows on the west elevation of the neighbouring building. The main two storey element of the development would be lower in height than the existing building, and the additional floor is stepped in from the side elevation. This would only have an overall increase in height of approximately 0.5 metres in comparison to the existing arrangement. There would be an increase in bulk and mass of the building in comparison to the existing pitched roof style of the building, but on balance this is not considered to be so harmful as to warrant reason for refusal of the application, noting that a large ramp to the rear car park separates the proposed development from Imperial Court and blocks views from the ground floor already.

The impact of the development on neighbouring residential amenity is considered to be acceptable. These were the same conclusions drawn under the previous application and there have been no material change in circumstances since this.

### *Living Conditions for the Future Occupiers*

The development has been designed so that it has front facing outlook only. This is to avoid constrained views out of the rear of the site onto the existing car park serving Imperial Court. Whilst some of the rooms will be fairly long, and will benefit from only an adequate outlook at the front of the site, on balance this provides a suitable living arrangement in terms of light and outlook, given that the rooms are open plan and relatively spacious. This was the conclusion drawn under the previous application with a similar layout. It is noted that there are now windows provided on the rear which face onto the lightwells for some of the properties in order to provide openable windows for natural ventilation. These would have an outlook similar to that of a basement. Planting is proposed to soften these areas.

As stated above, there is no minimum distance separation required to commercial development opposite the site. For the reasons stated above and fact that the road between the site and neighbour opposite creates a sense of separation, the development is considered to provide adequate outlook, privacy and light to the future occupiers. It is noted that the windows serving Bedroom 1 of units 4, 5, 6, 7 and 8 have a more restricted outlook than others serving the proposed development. They would still have sufficient light and privacy. On balance, whilst they are somewhat constrained, the development as a whole is still considered to provide an acceptable level of amenity for future residents, particularly when considering that this is a constrained town centre location.

It is noted that there would be no private amenity areas provided for this development, which is set out as a requirement in the Residential Design Guide. However, opportunities to provide private amenity space are very restricted within locations such as this within the town centre. Furthermore, development of this scale which are 1 and 2 bedroom flats, are likely to be occupied by couples or individuals who, within the town centres have less of an expectation for private amenity spaces, particularly when there are public open spaces within close walking distance of the site. For this reason, on balance it is not considered to be so harmful to the living conditions of the likely future occupiers not to be provided with a private amenity area to warrant reason for refusal. On this basis, no offsite financial contribution in lieu of the lack of its provision is required in this instance.

### *Noise*

The proposed development is a resubmission of W/22/0125 that was refused due to the reliance on closed windows for noise mitigation purposes and the absence of openable windows for natural ventilation on quieter facades. The building in question has been subject to a number of planning applications which have attracted objections from Environmental Health due to noise and air quality concerns arising from road traffic, adjacent commercial premises, and the car park platform at the rear of the site.

The location of the building and surrounding uses present difficulties in delivering a residential development without compromising the standard of amenity that would be provided for future occupiers. This application has sought to address

the Environmental Health Officer's previous objections by incorporating a lightwell at the rear of the premises. This intends to provide screening from the car park at the rear of the development to minimise adverse noise and air quality impacts but also provide access to openable windows for natural ventilation.

The noise planning practice guidance (N-PPG) (2019) says that adverse noise impacts can be partially off-set by having access to a relatively quiet façade containing windows to habitable rooms. The proposed lightwell provides openable windows to the proposed open plan kitchen-living rooms which would be considered habitable rooms under Parts B, F, and M of the Building Regulations. Due to road traffic noise on Willes Road, the proposed windows on the Cross Street (front) façade would still need to be kept closed if the recommended internal acoustic guidelines are to be achieved. This includes the proposed bedrooms that will not benefit from cross ventilation for the purposes of cooling under Approved Document O (ADO). As the measured noise levels at the front of the premises will exceed those stated in ADO where windows will likely need to be closed during sleeping hours, measures to limit overheating may be required such as limiting unwanted solar gains and/or means of removing heat from the indoor environment.

Information has been provided by the applicant which demonstrates that adequate noise mitigation and thermal comfort measures can be provided to ensure that the future residents to the satisfaction of the Environmental Health Officer. This will be provided via a mechanical ventilation heat recovery system for when windows are closed. The provision of windows at the rear of the property will also allow natural ventilation when occupants prefer to open their windows. The Environmental Health Officer has no objection to the development on this basis and has recommended conditions which secure the implementation of the approved details and their retention, which has been added.

On this basis, the development is considered to be in accordance with Local Plan policy BE3.

#### Car Parking and Highway Safety

Policy TR3 states that development will only be permitted which makes provision for adequate parking in accordance with the adopted Vehicle Parking Standards SPD. It is not possible to accommodate parking on site as part of the scheme. The Vehicle Parking Standards require 11 car parking spaces for a development of this scale.

Objectors of the proposal state that the development has inadequate parking provision and state that on street parking is at capacity on nearby streets and the development will add to this parking stress impacting on the amenity of existing residents. Members of the public raise doubts over the accuracy of the parking survey given the existing parking stress experienced by residents. The 'car free' development was welcomed by some members of the Conservation Area Forum as a bold commitment to sustainability, however others questioned how rigorously this would be enforced.

A unilateral undertaking has been provided in order to remove the rights of future occupiers from obtaining parking permits, owing to existing parking stress within on-street residential permit parking areas. However, it is noted by Officers that there are also unrestricted on-street parking areas within walking distance of the site, where future residents could park, which could potentially impact on highway safety and the amenity of existing residents. In accordance with the requirements of the Council's Vehicle Parking Standards guidelines, a parking survey was required in order to understand if the unrestricted areas could accommodate the additional parking demands.

The applicant has provided two parking surveys. The first surveyed on street restricted and unrestricted parking areas during two separate "night time" periods. The second survey also includes additional surveys, conducted during the day time when commercial uses are likely to be in use. The results of the surveys show that there is sufficient on-street parking capacity as a whole, both during day time and night time periods to accommodate the additional demand in 11 spaces within walking distance of the site. At worst, the surveys show there would be 54 spaces available within walking distance of the site, which is over 5 times the required number of spaces. At best, there is significantly more space available. Officers have no reason to doubt the reliability of these results as suggested by the neighbours, given that the survey was undertaken in accordance with the specification set out in the Vehicle Parking Standards.

It is noted however noted that there is a lack of capacity identified along Cross Street, with Clarendon Street and Willies Road also being heavily parked. Reasonably, future residents would expect to park within these streets in the first instance, being closest to the application site. Potentially therefore, the provision of 11 additional vehicles within these streets could impact detrimentally on the amenity of existing residents as they would likely be displaced. These roads however are all within permit parking areas. In order to resolve this issue, a unilateral undertaking which has been checked by the Council's Legal Services team and signed by the applicant revokes the rights from the future occupiers from applying for parking permits for these areas.

The parking survey shows that there would be sufficient space in unrestricted areas to accommodate the required level of additional parking generated by the proposed development. WCC Highways have no objection to the proposal on the basis of the information set out above.

A dedicated cycle storage area has also been provided, which shows capacity for 8 cycles which is in accordance with the requirements of the relevant standards.

The development is therefore considered to be in accordance with Local Plan Policy TR3.

### Ecological Impact

WCC Ecology assessed the application and note that the bat report submitted for this site is the same as for the previous application W/21/1029 carried out by Ridgeway Ecology in September 2021. In this case the report remains valid for this application and does not require updating. The proposals still involves demolition of the existing building with the likely impacts remaining the same.

Therefore the comments from WCC Ecology are the same as for the previous application. They recommend notes relating to bats, nesting birds and hedgehogs as protected species.

The recommended notes have been added. Therefore, it is considered that the proposed development would be in accordance with Local Plan policy NE2 and the NPPF.

#### Housing Mix

RLSNPD policy RLS5 states that within the Neighbourhood Area the housing mix and tenure should, where applicable:

- a) Be informed by a rigorous and up-to-date assessment of housing needs;
- b) Take opportunities to provide detached and semi-detached family homes which are currently underprovided; and
- c) Within South Leamington, seek to rebalance the existing rented/owner occupied mix by the provision of homes for affordable owner occupation.

Local Plan policy H4 states that the Council will require proposals for residential development to include a mix of market housing that contributes towards a balance of house types and sizes across the district, including the housing needs of different age groups, in accordance with the latest Strategic Housing Market Assessment. Policy H4 of the Local Plan also states that in assessing the housing mix in residential schemes, the Council may take into account certain circumstances where it may not be appropriate to provide the full range of housing types and sizes. One of these circumstances is for small sites of less than five houses and conversion schemes, where opportunities for a range of different house types are limited.

It should be noted that policy RLS5 above states that housing mix and tenure requirements should only apply *where applicable*. This is a small site of 8no. dwellings in sensitive area within the Conservation Area, and the town centre. Given the constrained nature of the site, it is concluded that the requirements of this policy are not applicable in this case. This was the same conclusion drawn under the previous application.

#### Waste

Waste Management have commented on the application and have no objection to the proposed development, subject to the provision of 1 x 1100L refuse bin and 2 x 1100L recycling bins. These are shown on the plans. A condition has been added to ensure that the bin store is retained in perpetuity.

#### Climate Change

Local Plan policy CC1 states that all development is required to be designed to be resilient to and adapt to future impacts of climate change through the inclusion of adaption measures. Requirements 'a', 'b' and 'c' of the policy (layout, building orientation, construction techniques, materials, natural ventilation, green spaces, water efficiency) can be controlled by condition which has been added. In regards to point 'd' of the policy regarding minimising flood

risk, it is noted that the site is located within Flood Zone 1, with the lowest probability of flooding and within the upper floors of the building. Therefore the development is not likely to cause increased risk of flooding.

Neighbourhood Plan Policy RLS2 states that new housing development should include design features and measures to reduce the impacts of climate change by increasing resilience to extreme weather events, including the increased risk of river and surface water flooding. Applicants should be able to demonstrate that their proposals are water efficient and that unless not reasonably practicable the design includes water efficiency and re-use measures. A condition has been included to ensure compliance with Local Plan Policy FW3 and RLS2 of the Neighbourhood Plan.

Subject to conditions, the proposal is considered to be in accordance with Local Plan policy CC1.

#### Air Quality

The existing car parking requirement for the offices is 20 spaces. The car parking requirements for the proposed development is 11 spaces, resulting in an overall net reduction in vehicle movements associated with the site. For this reason, it would not be reasonable to insist on air quality mitigation measures, as the development would likely result in an improvement to air quality, owing to the reduced number of vehicular movements associated with the development. Notwithstanding this, the plans show two electric cycle charge points within the cycle storage area.

#### Other Matters

The Environmental Health Officer has confirmed that there is the potential for contamination to be present at the site as a result of former commercial uses and levelling activities. They recommend that a condition is attached which requires that if any contamination is found, this is reported to the Local Planning Authority. This has been added.

Members of the public suggest that the development devalues nearby properties and will reduce their ability to sell in future. However, this is not a material planning consideration.

Members of the public also state that comments raised by members of the public on the previous application were ignored. However, Officers do not consider this to be the case, all comments raised by members of the public and other consultees were addressed fully within the Case Officer Report.

#### **Conclusion**

The previous application for 8no flats (W/22/0125) was refused only on the grounds that it did not provide satisfactory living conditions for the future occupants of the properties. There has been much negotiation between the applicant and Environmental Health Officer to ensure that the development will now ensure a satisfactory living environment for future residents. The development is considered to preserve the setting of the Conservation Area, would

have an acceptable impact on residential amenity, ecology and provides suitable parking arrangements. On this basis, it is considered that the previous reason for refusal has been overcome, and therefore the application is recommended for approval.

## **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 3215-s3-500 (section) submitted on 14th October 2022, 3215-s3-200-h (elevations) and 3215-s3-100-k (floor plans) submitted on 12th December 2022 and 3215-s3-300-k (site plan) submitted on 13th December 2022 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.
- 3 Notwithstanding details contained within the approved documents, prior to commencement of development, a Sustainability Statement including an energy hierarchy scheme and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;
  - a) How the development will reduce carbon emissions and utilise renewable energy;
  - b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
  - c) How proposals will de-carbonise major development;
  - d) Details of the building envelope (including U/R values and air tightness);
  - e) How the proposed materials respond in terms of embodied carbon;
  - f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
  - g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

No dwelling shall be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

- 4 No development shall be carried out above slab level unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 5 No development shall be carried out above slab level unless and until a surface water outfall assessment, following the Drainage Hierarchy (National Planning Practice Guidance, paragraph 80) to determine if there are viable alternatives to existing connections to the combined sewer network has 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 satisfy the requirements of Policy RLS1 of the Royal Leamington Spa Neighbourhood Development Plan 2020 - 2029.
- 6 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the



requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.

- 7 No development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details. **Reason:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 8 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 9 The development hereby permitted shall not be occupied unless and until the secure cycle parking and manoeuvring area indicated on the approved drawings has been provided and thereafter those areas shall be kept available for such use at all times. **Reason:** To promote sustainable transport patterns in accordance with policy TR1 of the Warwick District Local Plan 2011-2029.
- 10 The development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been constructed or laid out in strict accordance with the approved plans, and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development. Refuse and recycling storage containers must be stored within the refuse and recycling storage area shown on the approved plans, unless when being presented on street for collection facilities. **Reason:** To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 11 The development hereby permitted shall not be occupied unless and until the approved noise mitigation and thermal comfort measures have been implemented in full accordance with the approved details contained within the following documents: 16 Cross Street, Leamington Noise Assessment by Inacoustic, dated 13th October 2022; letter dated 15th November 2022 from Neil Morgan, Inacoustic titled "RE: 16 Cross

Street, Leamington Spa - Planning Stage Noise Impact Assessment. Supplementary Information."; and drawing 3215-900 (sun path analysis). These measures shall be retained in accordance with the approved details in perpetuity. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise or thermal discomfort, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority. **Reason:** To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

- 13 Prior to the occupation of the development hereby permitted, all side facing windows in the east and west 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 window(s) 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:** 10 January 2023

**Item Number: 7**

**Application No:** [W 22 / 1666](#)

**Town/Parish Council:** Rowington  
**Case Officer:** Millie Flynn

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**Registration Date:** 20/10/22

**Expiry Date:** 15/12/22

**Land Adjacent to Kingswood Farm, Old Warwick Road, Lapworth,  
Solihull, B94 6LX**

Erection of detached dwelling and garage together with associated parking and landscaping (re-submission of W/20/0388) FOR Mr & Mrs Guest

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

This application is a resubmission of a previously approved scheme, which seeks planning permission for the erection of a two-storey detached dwelling, with a detached double garage with study over. The proposal includes landscaping, vehicular access to the rear (south) via the new housing development and a pedestrian access to the front (north) onto Old Warwick Road.

The changes to this revised submission are as follows:

- The addition of a rear lobby to the south-west facing elevation
- The addition of full height glazing to the north-west facing elevation

**THE SITE AND ITS LOCATION**

The application site lies adjacent to an existing residential property known as Kingswood Farm, a Grade II Listed farmhouse, on the southern side of the Old Warwick Road. It mostly consists of grassland with paddock area and contains a small timber stable building and shed.

The application site is within the Kingswood village boundary identified on the Policy Map (29), which is one of the District's Growth Villages, identified in Table 3 of Policy H1 for the purposes of directing new housing. The site lies within the Canal Conservation Area.

**RELEVANT PLANNING HISTORY**

W/20/0388 - Erection of one detached dwelling and garage together with associated parking and landscaping – Granted by Planning Committee.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- H1 - Directing New Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- CC1 - Planning for Climate Change Adaptation
- FW1 - Development in Areas at Risk of Flooding
- FW3 - Water Conservation
- HE1 - Protection of Statutory Heritage Assets
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- NE7 - Use of Waterways
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Parking Standards (Supplementary Planning Document- June 2018)

## **SUMMARY OF REPRESENTATIONS**

**Rowington Parish Council:** No objection.

**Conservation Officer:** No objection.

**Waste Management:** No objection.

**Tree Officer:** No objection, subject to condition.

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

**WCC Highways:** No objection.

**WCC Landscape:** No objection.

**WCC Ecology:** Object to the proposal until further information is provided (awaiting re-consultation response).

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

### **Public Response:**

5 objections received on the following grounds:

- Impact on the setting of the Grade II Listed Building.
- The proposal is out of character.

- Impact on the Canal Conservation Area.
- Vehicular access, via the A C Lloyd development, will add further traffic to an already dangerous access off the Old Warwick Road which is fast.
- Local infrastructure is already under pressure.
- Overlooking towards properties on the other side of Old Warwick Road.
- Loss of light to facing properties.

4 neutral comments received, on the following grounds:

- Comments in respect of where construction traffic may come from (i.e., through the A C Lloyd development or Old Warwick Road).

## **ASSESSMENT**

### **Principle of development**

Policy H1 of the Warwick District Local Plan 2011-2029 relates to the direction of new housing within the district and sets out where new housing development will be permitted. H1(c) sets out one such circumstance which is within the boundaries of Growth Villages and Limited Infill Villages as identified within the policy and as shown on the Policies Map.

The policy also stipulates that housing development on garden land, in urban and rural areas, will not be permitted unless the development reinforces or harmonises with, the established character of the street and/or locality and respects surrounding buildings in terms of scale, height, form and massing.

Table 3 within Policy H1 sets out the Village Hierarchy and lists the Growth Villages and Limited Infill Villages. Kingswood, where the application site is located, is one of the former and the site is within the identified village envelope as identified on the Policies Map (29).

The site is in a Growth Village and the principle of new housing development in this location is therefore acceptable, subject to the secondary assessment of the policy provisions being considered acceptable also, i.e., development of garden land reinforcing and harmonising with the established character of the street/locality and respecting the surrounding buildings in terms of scale, height, form and massing.

Overall, Officers are satisfied that the principle of development is acceptable in accordance with Policy H1(c) subject to an assessment being made of the other relevant material planning considerations which are set out below.

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

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high-quality layout and design in all developments that relates well to the character of the area.

This is supported by the Council's Residential Design Guide SPD which contains further design principles that are as relevant for new dwellings as they are for

householder extensions insofar as advice regarding architectural detailing, finishes, materials etc is concerned.

Objection comments have been received with concerns that the proposal is out of keeping with the local character.

The re-submitted scheme is a two-storey detached dwelling with a ridge height of just over 8.0m. The road level slopes upwards, and the land is therefore elevated above the neighbouring property, Kingswood Farm, which has a ridge height of ~7.5m. However, there is a separation of ~29m between the two buildings which would comprise the garden of mostly the new dwelling which is to be retained as heavily vegetated as it is at present, with additional tree planting. Therefore, Officers do not consider the increase of just over half a metre in height, even with the elevated land levels, to be detrimental to the street scene.

The dwelling is an 'L-shape' plan form with an amended rear projection of ~14.80m. The proposal adds a rear lobby to the south-west facing elevation. Officers note that this rear depth would largely not be visible from the road because it would be obscured by the width of the front range, which is wider and presents the simpler, and more traditional dwelling façade which is considered wholly in keeping with the street scene.

The street scene is mixed, comprising a mix of detached, semi-detached and terraced properties at this point in the village. Officers note there is also a mixed palette of materials with red brick, some render, traditional timber framed buildings and painted brick. Officers do not consider the proposed dwelling, which, on the northeast side to the Old Warwick Road frontage would be facing brickwork and plain clay roof tiles, would be out of keeping with the surrounding area.

The proposed detached garage would be largely obscured by the dwelling. Those parts which would be visible from the road, i.e., any glimpsed views of its northeast facing elevation, would be set back from the road by over 32m. This elevation would be the gable end of the garage building which would be timber clad with an area of glazing towards the upper half. Officers consider this to be visually acceptable.

On the canal-side, the south-east elevation offers simple design and fenestration; with traditional casement windows at both ground and first floor and one central full height glazed aperture represents the feature window on this elevation. Officers consider this design not to be visually harmful, within the context of the Canal Conservation Area.

In terms of changes from the previous consent, the design has now been amended to incorporate an additional central glazed aperture in the north-west elevation, mirroring what was previously allowed. Officers note that whilst this elevation directly faces the Grade II Listed Building, it would still stand at distance of 29.0m and the addition of the rear lobby is felt to be negligible. The Conservation Officer has raised no objections.

The proposal illustrates a suitably sized dwelling in terms of footprint as well as scale and height, which relates well to its surroundings, and which would not result in any visual harm to the general character of the area or street scene. Overall,

Officers consider the amended scheme acceptable and in accordance with the guidance set out in Policy BE1 of the Warwick District Council Local Plan and the Residential Design Guide SPD.

#### Impact on the significance of the relevant 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 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.

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.

Objection comments have been received with concerns raised over the impact on the setting on the Grade II Listed Building and the impact on the Canal Conservation Area.

This site is situated in 'Length 1: Rowington' of the Canal Conservation Area adjacent to Bridge No 65. The conservation area appraisal document refers to the nearby Navigation Inn, Grade II listed Kingswood Farmhouse (adjacent NW) and the junction bridge. This bridge borders the application site and is noted as 'being a good example of the sinuous brickwork form that avoided snagging tow ropes and is a key element of The Functional Tradition celebrated by the work of Eric de Mare and JM Richards for the Architectural Press in the 1950's, that awoke interest in the significance of canal design and construction. Defined as 'that style of design which, though dominated by functional considerations, is remarkable for the wide range and subtlety of its aesthetic effects.' The area surrounding the application site therefore contributes positively towards the overall character and appearance of the canal conservation area.

Officers consider the proposal to represent a good balance between contemporary design and traditional characteristics of the area. The proposed boundary treatment is considered an appropriate addition to the canals side, one which reflects rural characteristics.

The Conservation Officers raises no objection to the minor amendments made under the re-submitted scheme.

Overall, Officers are satisfied that the development, as amended, will not result in any harm to the character or appearance of the Canal Conservation Area, nor will it harm the setting of the Grade II listed farmhouse. As such, Policy HE1 is complied with.

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

#### *Impact on Neighbouring Amenity*

Local Plan Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents. This is supported by the Council's Residential Design Guide SPD which provides further information in this respect, though, for example, the provision of minimum separation distances and guidance on the 45° guideline for example, to protect against overlooking and potentially overbearing impacts.

Objection comments have been received, with concerns raised regarding overlooking towards properties on the opposite side of the Old Warwick Road and loss of light to facing properties. However, Officers note there are only minor changes from the originally submitted proposal.

In the case of the proposed development, the nearest neighbouring property would be Plot 36 of the A C Lloyd development to the rear, which Officers note is within the land edged blue on the submitted site location plan and therefore in the same ownership as the application site and Kingswood Farm. This property shares a side to rear relationship with the proposed dwelling and accordingly only requires a 12m separation. The actual separation between the two, as amended, would be ~19.0m. Therefore, Officers are satisfied there would be no harmful overlooking, loss of light or overbearing impacts as a result of the proposal.

The adjacent listed building, Kingswood Farm, would be ~29.0m away from the new dwelling, as measured from the nearest point. On the other side (to the southeast) 1 & 2 Grafton Fields are the two nearest properties, though these are separated by the canal and are some ~60.0m from the nearest edge of the new dwelling.

Properties on the opposite side of Old Warwick Road are between 21m and 23m away (front to front relationship) and the minimum separation distance required where properties share such a relationship across a main road will usually be accepted at a reduced distance of 15m in recognition of the fact that privacy at the fronts of dwellings will, by its nature, be diminished further than at the rear where private gardens are typically located. In this case, the main road runs through the centre of the village and cars will be travelling frequently past



windows, along with pedestrian and cyclist movements, thus resulting in there being less of a need for the full 22m distance separation between the fronts of dwellings in this kind of location. In any event, Officers note that the distance broadly satisfies this requirement and accordingly are satisfied there would be no opportunity for harmful overlooking from the proposed dwelling as a result of its placement in the proposed location.

Overall, Officers consider the proposal is acceptable with regard to its impact on existing residential amenity and would not result in any harmful impacts by reason of loss of light, loss of privacy or loss of outlook to existing neighbouring properties. The proposal accords with Policy BE3 and the Residential Design Guide SPD.

#### *Proposed Living Conditions for The Future Occupiers*

Local Plan Policy BE3 states that development will not be permitted that does not provide acceptable standards of amenity for future users and occupiers of the development. This is supported by the Council's Residential Design Guide SPD which provides further information in this respect, though, for example, the provision of minimum separation distances and minimum standards for outdoor private amenity space.

The separation distances set out in the preceding paragraph demonstrate that the dwelling is very well spaced from its nearest neighbours, such that it would not be detrimental in terms of loss of amenity. For the same reasons, Officers therefore consider the amenity afforded to its future occupiers would be acceptable insofar as privacy and outlook are concerned.

The dwelling proposed would provide five bedrooms. 4+ bedroom houses are required to provide a minimum garden size of 60m<sup>2</sup> as set out in the Residential Design Guide SPD. The proposed site plan shows that the new dwelling would sit within a very substantial plot; its garden, excluding the landscaped 'buffer' between it and the listed building, would still exceed 1,000m<sup>2</sup>, thus far exceeding the minimum size requirements.

Overall, Officers are satisfied that the levels of amenity afforded for future occupiers are more than satisfactory having regard to the relevant policies and supplementary guidance and as such the development complies with Policy BE3 and the Residential Design Guide SPD.

#### Highway safety, access, and parking

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

Objection comments have been received, with concerns raised regarding vehicular access/safety and the additional construction traffic that will be generated. Again, Officers note that the changes submitted in this proposal, have minimal impact on the previously agreed vehicular access.

The vehicular access for the new dwelling would be taken via the new A C Lloyd development to the rear (southwest) of the site. The vehicular access into this development is taken off the Old Warwick Road approximately 60m further along from the application site to the northwest and would enter the new development, permitted under W/17/1724, turn back on itself towards the application site and enter the new development at the southwestern boundary, past Plot 36, the nearest neighbouring property to the proposed development.

On entering the site, three parking spaces are proposed against the north-west boundary and a detached double garage is proposed opposite (to the south-east side of the access). An additional parking space is proposed adjacent to the detached double garage.

A pedestrian access is proposed to the front of the dwelling, which would utilise the same position as the existing five bar gate which opens onto Old Warwick Road. The new gate would be set back into the site a little under two metres from the carriageway edge.

The adopted Parking Standards SPD requires 4+ bed dwellings to have 3 off-road parking spaces. The proposed site plan illustrates that these would be provided within the site and in addition to the 3 spaces, there is a detached double garage opposite, adjacent to which a fourth space is proposed specifically targeted as an electric vehicle charging point. In total, the parking proposed exceeds the parking requirements set out in the SPD and is considered this is acceptable.

The Highways Authority has raised no objection to the proposal. No new vehicular access is proposed onto Old Warwick Road and the use of the existing access serving the 38-unit development at the rear would not be intensified through the addition of one new dwelling to the point that it would be detrimental to highway safety.

Some local concerns have been expressed about the proposed pedestrian gate onto Old Warwick Road and the lack of a footpath, potentially rendering the pedestrian access unsafe. However, the new gate, which would replace an existing five bar gate which already exists into the site in the same position, is approximately 35m from the canal-bridge, to the southeast. Old Warwick Road, at this point, is subject to a 30mph speed limit and there is a footpath directly opposite the site which is continual in both directions for the full length of Old Warwick Road, leading as far as the Navigation Inn Public House to the south-east side.

Overall, Officers, on balance, that the access arrangements for both vehicles and pedestrians are satisfactory and would not compromise highway safety or be detrimental to the safety of motorists, pedestrians, cyclists or any other road users. Moreover, in the absence of an objection from the Highway Authority, Officers are satisfied that the development accords with Policies TR1 and TR3.

### Ecological Impacts

Policy NE2 of the Local Plan seeks to protect designated areas and species of national and local importance for biodiversity and geodiversity. Policy NE3 of the Local Plan states that new development will only be permitted where it protects, enhances and/or restores habitat biodiversity.

As additional information was required, the County Ecology were reconsulted and their comments are outstanding but will be added to the Update Report for Members in advance of the meeting.

### Trees

Policy NE4 of the Local Plan states that new development proposals should aim to either conserve, enhance or restore important landscape features in accordance with the latest local and national guidance.

The Council's Tree Officer has been consulted on the submitted tree-related documents and has advised that if recommended for approval, a condition should be imposed to secure the implementation of the proposed tree protection measures set out in the report. In order to protect the leafy and rural character of the site and biodiversity, it would be considered reasonable and necessary to impose the recommended condition.

Subject to the aforementioned condition, Officers are satisfied that the development is acceptable in respect of its impact on the landscape, both within its immediate context and on the wider surrounding landscape setting. Accordingly, it is considered that the development accords with Policy NE4.

### Air quality

The scheme includes the provision of two electric vehicle charging points; one is situated within the garage and one externally on the side of the proposed garage. The proposals therefore satisfy the type one mitigation measures outlined within the Air Quality SPD.

### Water Conservation

A condition has been added to ensure compliance with Local Plan Policy FW3.

### Waste Management

As previously approved, the replacement gate at the front of the site is set further in from the carriageway edge, this creates an area in which to accommodate the bin storage space the requisite number of bins to be stored and presented, kerbside on bin collection day. A timber shed is also proposed to the other side of the dwelling which is annotated on the site plan to accommodate the bins, and this would provide ease of access along the pedestrian path to the front gate to wheel bins to the gate. Therefore, the development is considered acceptable in this respect.

## **SUMMARY/CONCLUSION**

The minor changes proposed are considered to be in keeping with the character and appearance of the surrounding Conservation Area. The amenity for both existing and proposed occupiers of surrounding neighbouring properties and the new dwelling is acceptable having regard to the standards set out in the SPD. There would be no harm to highway safety, having regard to the safety of both vehicles and pedestrians and there is no objection from the Highway Authority.

The proposals are in accordance with the aforementioned policies, and it is therefore recommended for approval.

## **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 3783-01G and approved drawing(s) 3783-11 T, 3783-21 S, 3783-25 L, 3783-26 M and 3783-30 L submitted on 20th October 2022 and 3783-20 Y submitted on 16th December 2022 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.
- 3 The development hereby permitted (including any works of demolition) shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website ([https://www.warwickdc.gov.uk/downloads/file/5811/construction\\_management\\_plan](https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan)) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.
- 4 Prior to the commencement of the development hereby approved (including all preparatory work), a detailed Tree Protection Plan and a comprehensive Arboricultural Method Statement, together referred to as the scheme of protection, that will detail how the retained trees are to be protected from harm during the development shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved scheme of

protection. **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

- 5 No development above slab level shall take place unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 6 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted. Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value, and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 7 No part of the development hereby permitted, including site clearance works, shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected species and appropriate working practices and safeguards for wildlife, trees and

hedgerows and the adjacent canal that are to be employed whilst works are taking place on site. The agreed Construction 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.

- 8 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 9 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.
- 10 The development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been constructed or laid out in strict accordance with the approved plans and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development. Refuse and recycling storage containers must be stored within the refuse and recycling storage area shown on the approved plans, unless when being presented on street for collection facilities. **Reason:** To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 11 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority.

No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.

- 12 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

- 13 The pedestrian access for the development hereby permitted as shown on proposed site plan 3783-20 Y shall be retained as a pedestrian access only in perpetuity and shall not, at any time, be used by vehicular traffic. **REASON:** In the interest of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
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