

# Planning Committee

Tuesday 10 October 2017

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A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 10 October 2017 at 6.00pm.

Councillor Cooke (Chairman)

Councillor Day (Vice Chairman)

Councillor Boad

Councillor Mrs Hill

Councillor Mrs Bunker

Councillor Morris

Councillor D'Arcy

Councillor Mrs Stevens

Councillor Edgington

Councillor Weed

Councillor Heath

## Emergency Procedure

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

## Agenda

### Part A – General

#### 1. Apologies and Substitutes

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

#### 2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee of 12 September 2017.

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**Part B – Planning Applications**

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

5. **W/16/1287 – Station Approach, Royal Leamington Spa** **(Pages 1 to 10)**
6. **W/17/0218 – 4a Wise Terrace, Royal Leamington Spa** **(Pages 1 to 12)**
7. **W/17/0699 – Land to the south of Gallows Hill, Warwick** **(Pages 1 to 22)**  
**\*\*This is a major application\*\***
8. **W/17/1104 – Plot 8001-8004, Tournament Fields, Stratford Road, Warwick** **(Pages 1 to 10)**  
**\*\*This is a major application\*\***
9. **W/17/1402 – 94 Stirling Avenue, Cubbington** **(Pages 1 to 4)**
10. **W/17/1517 – The Grove, Rising Lane, Lapworth** **(Pages 1 to 5)**
11. **W/17/1525 – Chesford Bridge House, Bericote Road, Blackdown** **(Pages 1 to 4)**
12. **TPO 530 – 4 & 5a Carter Drive, Barford** **(Pages 1 to 2)**
13. **TPO 534 – North Side of Rouncil Lane, Kenilworth** **(Pages 1 to 3)**

**Part C – Other matters**

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

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8:00am to 7:00pm, Friday 8:00am to 6:00pm and Saturday 9:00am to 1pm) or email [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk), anytime after the publication of this agenda, but

before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.

- (d) please note, that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public - Have registered to address the Committee.
- (e) occasionally items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's web site, and where possible, the applicant and all registered speakers (where applicable) will be notified via telephone.

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

Telephone: 01926 456114

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

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

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

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

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

# Planning Committee

Minutes of the meeting held on Tuesday 12 September 2017 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Cooke (Chairman); Councillors Ashford, Boad, Mrs Bunker, D'Arcy, Edgington, Heath, Mrs Hill, Morris, Mrs Stevens and Weed.

**Also Present:** Senior Committee Services Officer – Mrs Barnes; Legal Advisor – Mr Gregory; Head of Development Services – Mrs Darke; and Senior Planning Officers Mr Sahota & Ms Ombremski.

Prior to the start of the meeting, the Chairman announced the passing of Gerry McManus, who was well known in Royal Leamington Spa and read out an email circulated to Councillors which gave an outline of Mr McManus' work and commitment to the District. It was agreed that the Committee's condolences be passed to Mr McManus' family.

## 70. **Apologies and Substitutes**

- (a) There were no apologies.
- (b) Councillor Ashford substituted for Councillor Day.

## 71. **Declarations of Interest**

There were no declarations of interest.

Minute Number 75 – W/17/1163 – 104 Telford Avenue, Royal Leamington Spa

Councillor Stevens declared an interest because the application site was in her Ward.

Minute Number 80 – W/17/1362 – Hillcroft, Red Lane, Burton Green

Councillor Mrs Hill declared an interest because the application site was in her Ward.

Councillor Mrs Bunker declared a personal interest because the applicant was known to her.

## 72. **Site Visits**

To assist with decision making, Councillors Ashford, Boad, Mrs Bunker, Cooke, Hill, Morris, Mrs Stevens and Weed had visited the following application sites on Saturday 9 September 2017:

W/17/0998 – Elisabeth the Chef, St Mary's Road, Royal Leamington Spa  
W/17/0935 – 28 Home Close, Bubbenhall  
W/17/1245 – Land south of Briardene, Honiley Road, Beausale

## **PLANNING COMMITTEE MINUTES (Continued)**

### **73. Minutes**

The minutes of the meeting held on 15 August 2017 were taken as read and signed by the Chairman as a correct record.

### **74. W/17/0998 – Elisabeth the Chef Ltd, St Mary's Road, Royal Leamington Spa**

The Committee considered an application from Stonewater for the demolition of existing derelict commercial bakery, perimeter fencing and external hard landscaping for the erection 40 residential units (Use Class C3), to include displacing existing vehicular access and widening entrance from St Mary's Road, new associated parking and landscape works.

The application was presented to Committee because of the number of objections received, including one from Royal Leamington Spa Town Council.

The officer was of the opinion that the site was located in a sustainable area for the provision of new residential development and was in accordance with the relevant policy considerations. The proposed development represented an appropriate use for the site that could be accommodated without resulting in undue harm to the amenity of the local area, the impact on the amenity of local residents and the impact on highway safety.

The proposed development sought to regenerate an existing vacant and partially derelict site and the proposed scheme was considered to enhance views from the adjacent Royal Leamington Spa Conservation Area and the environment along the canal side as viewed from the tow path and canal bridge adjacent to the site.

A Section 106 agreement was proposed to secure the affordable housing and appropriate infrastructure contributions that would be reported to Committee in due course. Subject to conditions to secure the finer details of the development, officers were satisfied that the scheme was acceptable.

An addendum circulated at the meeting provided a number of updates including clarification of the Principal Balance, clarification on access, parking, noise and contaminated land and amended wording to two conditions. These amendments were purely grammatical and did not alter the purpose of, or reason for, the conditions.

The following people addressed the Committee:

- Councillor J Knight, Royal Leamington Spa Town Council – objecting;
- Mr T Naylor, Objecting;
- Mr M Crucefix, Stonewater – applicant; and
- Councillor Quinney, Ward Councillor – objecting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Mrs Stevens that the application should be granted.

## PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

**Resolved** that W/17/0998 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) B6316(PL) 04\_K submitted on 30 May 2017 together with B6316(PL)005\_F, B6316(PL)006\_F, B6316(PL)008\_B and B6316(PL)009\_B, and specification contained therein, submitted on 28 July 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall 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 DP1 of the Warwick District Local Plan 1996-2011;
- (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan

## PLANNING COMMITTEE MINUTES (Continued)

1996-2011. (CA). / To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011. (LB). / To ensure that the rural character and appearance of the barn(s) is protected, in accordance with Policy RAP8 of the Warwick District Local Plan 1996-2011. (Barn Conversions);

- (5) the reserved matters to be submitted in accordance with Condition 1 shall include details of all earthworks, mounding and 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, and the development shall be carried out in strict accordance with these approved details or any subsequently approved amendments.

**Reason:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

- (6) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;

- (7) the development hereby permitted shall only be undertaken in strict accordance with drainage details, incorporating a Sustainable Drainage System (SUDS) and responding to the hydrological conditions (soil permeability, watercourses etc) within the application site, including a long term management and maintenance plan, which have been submitted to and approved in writing by the local planning authority. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details unless alternative drainage methods have been approved in writing by the local planning authority. **Reason:** To ensure

## PLANNING COMMITTEE MINUTES (Continued)

that a satisfactory means of drainage is provided such as to minimise flooding and which Promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011;

- (8) the development hereby permitted (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;
- (9) the development hereby permitted shall be undertaken in the presence of a qualified ecologist appointed by the applicant to supervise all destructive works to scrub on site. All features, including compost and log piles, are to be removed carefully by hand. Should any reptiles such as grass snake be found during this operation, then work must cease immediately whilst WCC Ecological Services are consulted for further advice. The qualified ecologist should check for small mammals, reptiles, amphibians and nesting birds. In addition to this the qualified ecologist shall submit a brief report to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;
- (10) the development hereby permitted shall either:
- a. Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
  - b. Not commence until a qualified ecologist has been appointed by the applicant to inspect the
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## PLANNING COMMITTEE MINUTES (Continued)

building/vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist.

Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub.

**Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

- (11) it should be ensured that there is no contamination of the watercourse either during or after development. No works to start until measures have been put in place to ensure that the Pollution Prevention Guidelines produced by the Environment Agency regarding prevention of pollution during working and operation are adhered to. The Environment Agency can provide further details if required. There should be a buffer zone of at least 8 metres between the edge of the watercourse, (i.e. the top of the bank), and the development. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

- (12) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the

## **PLANNING COMMITTEE MINUTES (Continued)**

development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features during construction in accordance with Policy DAP3 of the Warwick District Local Plan 1996-2011;

(13) the development shall not be occupied until a vehicular access has been provided to the site not less than 5 metres in width. **Reason:** To ensure that safe and convenient access to and egress from the site is provided in the interests of the safety of road users and pedestrians in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

(14) the development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distances of 2.4 metres and 'y' distance of 43 metres to the near edge of the public highway carriageway]. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **Reason:** To ensure that safe and convenient access to and egress from the site is provided in the interests of the safety of road users and pedestrians in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

(15) the development hereby permitted shall not be occupied until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The approved Low Emission Strategy shall be implemented in strict accordance with the approved details and shall remain in force at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012;

(16) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the

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## PLANNING COMMITTEE MINUTES (Continued)

development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

**Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (17) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (18) no development shall take place until: -

1. A site investigation has been designed for the site using the information obtained from the approved desk-top / preliminary study and any diagrammatical representations (conceptual model). 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

## PLANNING COMMITTEE MINUTES (Continued)

detailing the remediation requirements

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

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.

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

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

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

- (19) no development shall take place until an assessment and associated scheme of mitigation for protecting the proposed dwellings from industrial and traffic noise has been submitted to and approved in writing by the local planning authority; all works which form part of the scheme shall be completed in each dwelling before that dwelling is occupied. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **Reason:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011;
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## **PLANNING COMMITTEE MINUTES (Continued)**

DP9 of the Warwick District Local Plan 1996-2011;

(20) 'no development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii. the anticipated movements of vehicles and a HGV routing plan;
- ix. measures to limit noise and disturbance;
- and
- x. a construction phasing plan.

Demolition or construction works and site deliveries shall not take place outside 08:00 hours to 17:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

**Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;

(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 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. **Reason:** To ensure

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## PLANNING COMMITTEE MINUTES (Continued)

that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (22) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until details of the siting, height, design and materials of the treatment of all boundaries have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first occupation of the development to which it relates and shall be retained as such thereafter. **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 Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011; and
- (23) notwithstanding the details submitted, no part of the development hereby permitted shall be implemented until an updated landscaping plan to demonstrate additional soft landscaping provision within the site including the parking areas has been submitted to and approved in writing by the local planning authority. The soft landscaping works thereafter shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

## **PLANNING COMMITTEE MINUTES (Continued)**

### **75. W/17/1163 – 104 Telford Avenue, Royal Leamington Spa**

The Committee considered an application from Mrs J Doxey for the variation of condition 2 (plan numbers) for planning permission W/15/0764 (retrospective) to include raising the ridge height by a further 0.5m, alterations to front and rear dormers, extend the rear extension by a further 0.3m and other minor alterations.

The application was presented to Committee because of the number of objections received, including one from Royal Leamington Spa Town Council.

The officer was of the opinion that the proposed changes were considered of an acceptable design and would not cause a detrimental impact to the amenity of neighbouring properties in accordance with Local Plan Policy DP1 and DP2.

The following people addressed the Committee:

- Councillor J Knight, Royal Leamington Spa Town Council – objecting; and
- Mrs J Doxey, applicant.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Mrs Bunker that the application should be granted.

The Committee therefore

**Resolved** that W/17/1163 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of planning permission ref: W/15/0764, i.e. 08 July 2015. **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 and specification contained therein, submitted on . **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) noise arising from the air source heat pump hereby permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background

## **PLANNING COMMITTEE MINUTES (Continued)**

noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

**Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and

- (4) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

### **76. W/17/0935 – 28 Home Close, Bubbenhall**

The Committee considered an application from Mrs K Cassidy for the erection of a one and a half storey side extension.

The application was presented to Committee because of the number of objections received.

The officer was of the opinion that the application proposal for the one and half storey side extension was respectful to the design and proportions of the property, the corner plot and the street scene, preserved the openness of the Green Belt and adequately preserved neighbouring amenity. The application was therefore recommended for approval.

An addendum circulated at the meeting advised that the application had been presented to Committee due to the number of objections received only and not because Bubbenhall Parish Council had objected as stated in the original report.

The following people addressed the Committee:

- Mr D Bevan, objecting; and
- Mrs K Cassidy, applicant.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Ashford that the application should be granted.

The Committee therefore



## **PLANNING COMMITTEE MINUTES (Continued)**

**Resolved** that W/17/0935 be **granted** in accordance with the recommendations in the report, subject to the following 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 Location Plan submitted on 19th May 2017, 'Bubbenhall-1', 'Bubbenhall-2C' and Bubbenhall-2C' (with shading) submitted on 14th July 2017 and 'Bubbenhall-4' submitted on 21st July 2017, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (4) within one calendar month of the first occupancy of the extension hereby permitted, the conservatory annotated on approved drawing 'Bubbenhall-1' shall be demolished and all waste materials arising from the demolition works shall be removed from the site. **Reason:** The new extension is only permitted on the basis that the conservatory is removed and therefore constitutes appropriate development in the Green Belt in accordance with *Policy* RAP3 of the Warwick District Local Plan 1996-2011 and paragraph 89 of the NPPF.

77. **W/17/1077 – The Limes, 21 Guys Cliffe Avenue, Royal Leamington Spa**

The Committee considered an application from Housestyle Countrywide Ltd for the variation of condition 2 of W/17/0147. This previously approved application was for the construction of six apartments and one town house and the variation was to increase the eaves and ridge height of the building by 500mm.

## **PLANNING COMMITTEE MINUTES (Continued)**

The application was presented to Committee because of the number of objections received.

The officer was of the opinion that the original planning permission was granted under W/16/0793 and subsequently varied through a S.73 application under ref. W/17/0147 which sought a minor revision to the design of the building. The policies and material considerations that were relevant to those decisions were set out in the associated officer reports.

The variation of condition 2 to allow an increase in the ridge height of the building by 500mm would not result in any detriment to the visual amenity of the site and surroundings or the amenity of residential properties surrounding the site. Furthermore, there were no material changes in planning policy that would lead officers to a different conclusion to that which was reached previously through the assessment and determination of the previous application. It was therefore considered that the development remained in accordance with the relevant provisions of the Development Plan.

The following people addressed the Committee:

- Ms K Cinar, local resident - objecting; and
- Councillor Gifford, Ward Councillor – objecting.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Mrs Bunker that the application should be refused on the grounds that it was unneighbourly due to the increase in height and bulk.

The Committee therefore

**Resolved** that W/17/1077 be **refused** contrary to the recommendations in the report, for the following reason:

The application was unneighbourly due to the increase in height and bulk.

### **78. W/17/1245 – Land South of Briardene, Honiley Road, Beausale**

The Committee considered an application from Mrs V Branagh for the erection of a detached chalet bungalow, garage and associated access.

The application was presented to Committee because an objection had been received from Beausale, Haseley, Honiley & Wroxall Parish Council.

The officer was of the opinion that the principle of development was considered acceptable having regard to both the policies relating to the provision of rural housing and to the relevant Green Belt policy in the NPPF that cited this type of limited infill development as 'appropriate'. Given the advanced stage of the new local plan, compliance with Emerging Policy H1 was considered to be a material consideration of sufficient weight to justify departing from Policy RAP1 in the existing Local Plan.

## **PLANNING COMMITTEE MINUTES (Continued)**

The proposed dwelling was considered to be in keeping with the area due to its siting and design and was accordingly not considered to cause any visual harm to the character of the surrounding area. There would be no harm caused to the amenity of existing residential properties around the site and there was no detriment considered to be caused to highway safety in terms of the proposed access arrangements. It was considered that there would be no material harm resulting from this proposed development, which was considered to represent a sustainable form of development overall. For these reasons, it was recommended that planning permission be granted subject to conditions and notes.

An addendum circulated at the meeting advised that the applicant had submitted a statement in lieu of speaking at Planning Committee. The statement advises that the current dwelling is unsuitable due to ill health and the proposed dwelling had been designed around the applicant's needs. The full statement was available to view on the application file.

The following person addressed the Committee:

- Councillor Mrs J Gee, Beausale, Haseley, Honiley & Wroxall Parish Council – objecting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Ashford that the application should be granted.

The Committee therefore

**Resolved** that W/17/1245 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 000 01, 000 02 & 000 03 rev A, and specification contained therein, submitted on 06.07.2017 and 07.08.2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing

## PLANNING COMMITTEE MINUTES (Continued)

materials to be used have been submitted to and approved in writing by the local planning authority. Development shall 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 DP1 of the Warwick District Local Plan 1996-2011;

- (4) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work unless otherwise agreed in writing by the local planning authority. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (5) the existing tree shown to be removed on the approved plans shall be replaced with healthy tree of such size and species as agreed in writing by the Local Planning Authority. **Reason:** In order to protect and preserve the amount of trees within the site which are of amenity value and to preserve biodiversity in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (6) the development hereby permitted shall not be first occupied unless and until the renewable

## **PLANNING COMMITTEE MINUTES (Continued)**

energy/fabric first scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (7) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

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

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

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

- (8) the development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 65 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (9) the development shall not be occupied until access for vehicles has been provided to the site not less than 5 metres in width for a

## **PLANNING COMMITTEE MINUTES (Continued)**

distance of 7.5 metres, as measured from the near edge of the public highway carriageway.

**Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011; and

- (10) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no building or enclosure shall be provided within the curtilage of any dwelling(s) hereby permitted. **Reason:** That due to the proposed garage and the fact the site is within the green belt, it is considered important to ensure that no additional development is carried out without express planning permission from the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

### **79. W/17/1278 – The Orchard, Coventry Road, Stoneleigh**

The Committee considered an application from Mr and Mrs Innocent for the proposed erection of a single-storey two bedroom house on the existing plot, with a freestanding single garage, the erection of a balcony to the eastern elevation and the laying of a permeable gravel circulation and parking spaces and access route into the building.

The application was presented to Committee because there had been more than five letters of support for the application and it was recommended for refusal. Councillor Redford had also requested that the application be called before Planning Committee if officers were minded to refuse the application.

The officer was of the opinion that Paragraph 89 of the NPPF stated that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. The application site was washed over by Green Belt and the proposed development of one dwelling did not meet any of the exceptions listed under paragraph 89 of the NPPF.

The development was considered to be incongruous and harmful to the street scene and Conservation Area by virtue of inappropriate design which would be at odds with the prevailing architectural character of the area. The development was therefore considered to be contrary to adopted Local Plan policy DP1 and DAP8. Furthermore, the development provided inadequate access arrangements which could be harmful to vehicular and pedestrian safety which was contrary to adopted Local Plan policy DP6. Therefore, it was recommended that the proposed development should be refused.

## **PLANNING COMMITTEE MINUTES (Continued)**

An addendum circulated at the meeting advised of changes that had been made to the design of the development as a result of the Conservation Officer's recommendations.

The Conservation Officer confirmed he had no objection subject to a condition requiring sample materials. Officers were of the view that the amended design was now more appropriate and sat comfortably within the street scene. Therefore, the reason for refusal in respect to of design was withdrawn.

In addition, there were a number of additional consultation responses detailed from a member of the public, Health and Community Protection, WCC Ecology, Open Space and comments from the agent.

Mr M Smith, the applicant, addressed the Committee:

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Edgington and seconded by Councillor Boad that the application should be refused.

The Committee therefore

**Resolved** that W/17/1278 be **refused** in accordance with the recommendations in the report, for the following reasons:

- (1) paragraph 89 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. The application site is washed over by Green Belt and the proposed development of one dwelling does not meet any of the exceptions listed under paragraph 89 of the NPPF. No very special circumstances have been presented which outweigh the harm by reason of inappropriateness and harm to openness;
- (2) policy DP1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Policy DP1 requires all development to respect surrounding buildings in terms of scale, height, form and massing, and use appropriate materials to ensure that it does not detract from the character of the local area. Furthermore, Policy DAP 8 of the Warwick District Local Plan 1996-2011 requires development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas.

The shape and architecture of the proposed dwelling is at odds with the architectural precedent within the village, creating an incongruous and out of keeping form of development which would be harmful to both the street scene and the Conservation Area. The timber cladding is considered to be a sharp contrast with the traditional brick properties found within the main part of Stoneleigh Village and the roofline is considered to be too dominant in scale and over complex in terms of the depth, lines and hips.

The development is thereby considered to be contrary to the aforementioned policies; and

- (3) policy DP6 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which provides safe, convenient and attractive access routes for pedestrians, cyclists and other motor vehicles. Development must demonstrate that they do not cause harm to highway safety.

The existing access provided inadequate visibility splays. The intensification of the use of the site and access brought about by the erection of a dwelling could lead to potential highway and pedestrian safety issues which would warrant reason for refusal of the application.

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

**80. W/17/1362 – Hillcroft, Red Lane, Burton Green**

The Committee considered an application from Mr and Mrs Parry which was a resubmission of application W/17/0674 for the development of a new dwelling house and associated external works.

The application was presented to Committee because there had been more than five letters of support received and the application was recommended for refusal.

The officer was of the opinion that Paragraph 89 of the NPPF stated that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. The application site was washed over by Green Belt and the proposed development of one dwelling did not meet any of the exceptions listed under paragraph 89 of the NPPF. The development was considered to be incongruous and harmful to the street scene by providing an alien form of development, at odds with the traditional dwellings found within the established street scene which was



## **PLANNING COMMITTEE MINUTES (Continued)**

contrary to the NPPF and adopted Local Plan policy DP1. The development would also be harmful to the living conditions of the occupiers of Hillcroft which was contrary to the NPPF and adopted Local Plan policy DP2. Therefore, it was recommended that the proposed development should be refused.

An addendum circulated at the meeting advised that additional consultation responses had been received from WCC Ecology, WCC Highways and Open Space. In addition there was a note from the Parish Council to the Planning Committee, further comments from the applicant and notes regarding the case officers report.

Mrs G Parry, applicant addressed the Committee.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Boad that the application should be refused.

The Committee therefore

**Resolved** that W/17/1362 be refused in accordance with the recommendations in the report, for the following reasons:

- (1) paragraph 89 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. The application site is washed over by Green Belt and the proposed development of one dwelling does not meet any of the exceptions listed under paragraph 89 of the NPPF. No very special circumstances have been presented which outweigh the harm by reason of inappropriateness and harm to openness;
- (2) policy DP1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Policy DP1 requires all development to respect surrounding buildings in terms of scale, height, form and massing, and use appropriate materials to ensure that it does not detract from the character of the local area.

The proposed dwelling is not considered to respect the existing dwellings within the street scene in terms of form and massing. The proposed design is considered to be harmful to the street scene by virtue of its incongruous and alien features such as flat roof and use of

## **PLANNING COMMITTEE MINUTES (Continued)**

inappropriate materials such as steel. The large imposing nature of the proposed dwelling is considered to represent poor quality design which does not enhance the street scene.

The development is thereby considered to be contrary to the aforementioned policy; and

- (3) policy DP2 of the Warwick District Local Plan 1996-2011 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

The proposed access arrangement would result in undue noise and disturbance to the occupiers of Hillcroft which emanate from the unfettered movements of vehicles using the access. Due to the close proximity of the access running alongside windows serving habitable rooms to Hillcroft, it is considered that the proposal would be unneighbourly as it would disrupt the enjoyment of the quiet private amenity space associated with Hillcroft where it is not unreasonable to expect such enjoyment.

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

81. **W/17/1411 – Land to the North and South of the A45 (between Festival and Tollbar Junctions) and land at the A45/Festival Roundabout, and A46/Tollbar Roundabout and at junctions of A444 with the A4114/Whitley Roundabout, Coventry**

The Committee considered an application from Coventry City Council and Jaguar Land Rover for the variation of conditions 11, 20-26, 28, 39, 40 and 61 of planning permission ref: W16/0239 to clarify the work that could proceed on site prior to the approval of certain design details (specifically allowing site preparation and earthworks to be commenced as soon as possible).

Planning permission ref: W16/0239 was for a comprehensive development comprising offices, research & development facilities and light industrial uses (Use Class B1), hotel accommodation (Use Class C1), car showroom accommodation and small scale retail and catering establishments.

The application was presented to Committee because it was recommended that planning permission be granted subject to the completion of a legal agreement.

The officer was of the opinion that subject to confirmation that there was no objection from Highways England, the Environment Agency or WCC Highways, it had been concluded that the amended conditions would retain

## **PLANNING COMMITTEE MINUTES (Continued)**

adequate control over the development. Therefore it was recommended that planning permission be granted for the variation of these conditions.

An addendum circulated at the meeting outlined an amended condition and informative note from the Highway Authority. As a result of these, condition 25 in the report had been amended to address their concerns. Further consultation responses had also been received from Baginton Parish Council, Stoneleigh and Ashow Parish Council, Bubbenhall Parish Council and a member of the public. A revised consultation response was received from Highways England and additional officer clarification was also provided.

Councillor R Taylor, Baginton Parish Council, objecting, addressed the Committee.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Edgington and seconded by Councillor Ashford that the application should be granted.

The Committee therefore

**Resolved** that W/17/1411 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

### Reserved matters, phasing and time limits

- (1) details of the following reserved matters for each phase of the development shall be submitted to and approved in writing by the local planning authority before any part of that phase of the development (other than demolition or ground works) is commenced:-
  - i) the layout of the phase and its relationship with existing adjoining development;
  - ii) the scale of the buildings;
  - iii) the appearance of the buildings; and
  - iv) the landscaping of the site.

**Reason:** To comply with Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015;

- (2) application for approval of the matters referred to in Condition 1 above must be made within 5 years of the date of this permission. **Reason:** To comply with Section 92 of the Town & Country Planning Act 1990 (as amended);
- (3) the development to which this permission relates shall begin within 5 years of the date of permission or within 2 years of the final approval of the reserved matters, whichever is the later.

## **PLANNING COMMITTEE MINUTES (Continued)**

**Reason:** To comply with Section 92 of the Town & Country Planning Act 1990 (as amended);

- (4) prior to the commencement of development, details regarding the phasing of the development shall be submitted to and approved in writing by the local planning authority and such details shall include:
- i) a plan(s) showing the boundaries of each phase, the extent and use of building development in each phase, the phasing of works within the proposed Countryside Park and arrangements in respect of the phasing of all transportation infrastructure;
  - ii) temporary access arrangements for vehicles and pedestrians in respect of each phase;
  - iii) car parking arrangements in respect of each phase;
  - iv) any interim surface, boundary treatment, external lighting or landscaping measures;
  - v) a report to demonstrate that the phasing proposals do not affect the conclusions of the noise and air quality assessments included in the Environmental Statement (including supplementary noise and air quality assessments and details of further mitigation measures, if necessary); and
  - vi) a temporary drainage strategy in respect of each phase.

Once approved the development of each phase shall be carried out in full accordance with such approved details or any subsequent amendments so approved. **Reason:** To ensure that in the event of the development being carried out on a phased basis, satisfactory access and interim environmental treatment is incorporated within each phase, in the interests of public safety and visual amenity in accordance with Policies DP1, DP7 and DP8 of the Warwick District Local Plan 1996-2011;

- (5) in respect of the Reserved Matters to be submitted in accordance with Condition 1, the building ridge heights and footprints and the overall Gross Internal Area of all building floorspace shall be within the minimum and maximum limits set down in approved pHp Architects Parameters Plan drawing no. 3924-1 003 Rev P8. **Reason:** To define the permission in the interests of urban design and highway safety and capacity in accordance with Policies DP1 and DP7 of the Warwick District Local Plan 1996-2011;

## PLANNING COMMITTEE MINUTES (Continued)

(6) prior to the submission of any Reserved Matters in respect of the development hereby permitted a Master Plan and Design Code shall be submitted to and approved in writing by the local planning authority. These shall:

- i) Accord with the approved pHp Architects Parameters Plan drawing no. 3924-1 003 Rev P8 and the principles set down in the Design & Access Statement forming part of the approved application documentation;
- ii) Define principles regarding building design, materials, elevational detailing and public realm hard/soft landscaping;
- iii) Identify those trees to be retained or removed as part of the development and the number and location of new trees to be provided as compensation;
- iv) Identify locations for public art features;
- v) Show the location of each pond;
- vi) Include design principles in respect of layout, scale, appearance and landscaping aimed at minimising its visual impact on the Lunt Roman Fort;
- vii) Contain details on how permeability will be achieved in respect of the network of estate roads within the technology campus;
- viii) Detail principles on how legibility will be achieved within the technology campus including design principles in respect of the new A45 bridge and land to the immediate south of it comprising the gateway into the development.
- ix) Include landscape design principles for the technology campus aimed at ensuring that soft landscaping within this area is satisfactorily integrated with the Countryside Park and neighbouring land.
- x) Contain principles in respect of disabled access throughout the development and to/from buildings.
- xi) Detail principles on how crime prevention matters will be addressed in respect of the development.

Any subsequent Reserved Matters applications shall accord with the approved Master Plan and Design Code. **Reason:** In the interests of urban design in accordance with Policies DP1, DP14, DP15 and SC15 of the Warwick District Local Plan 1996-2011;

(7) the reserved matters to be submitted in accordance with Condition 1 for each phase shall

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## **PLANNING COMMITTEE MINUTES (Continued)**

include details of all earthworks, mounding and the finished floor levels of all buildings and structures, together with details of existing and proposed site levels in that phase and the relationship with adjacent land and buildings and such details shall accord with approved pHp Architects Parameters Plan drawing no. 3924-1 003 Rev P8 forming part of the approved application documentation.

**Reason:** In the interests of urban design, to ensure that the mounds are in keeping with surrounding landscape and to ensure that the proposals do not harm the living conditions of nearby dwellings, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- (8) the reserved matters to be submitted in accordance with Condition 1 for each phase shall include sample details of facing, roofing and hard surfacing materials for that phase, such details to include information on the recycled/reclaimed content of such materials. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the local planning authority. **Reason:** In the interests of urban design in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

### **Use restrictions**

- (9) the gross floorspace of any unit the primary use of which falls within Class B1(a) of the Town & Country Planning (Use Classes) Order 1987 as amended erected under this permission shall not exceed 4999 square metres. **Reason:** To ensure that the development does not prejudice the provision of large scale office accommodation in town centres in accordance with Policy UAP2 of the Warwick District Local Plan;
- (10) no building approved under this permission used primarily for purposes falling within Class A1 of the Town & Country Planning (Use Classes) Order 1987 as amended (or in any Order revoking and re-enacting that Order) shall exceed 250 square metres gross internal floor area; **Reason:** To safeguard the shopping strategies of the local planning authorities and to accord with Government Guidance in the NPPF which seeks to direct large scale retailing to Town Centre locations;

## PLANNING COMMITTEE MINUTES (Continued)

- (11) no car showroom floorspace or floorspace falling within Classes A1, A3, A4, A5 or C1 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be occupied unless and until at least 8,500 square metres (GFA) of floorspace falling within Use Class B1 of the said Order has been occupied within the technology campus.  
**Reason:** To ensure that the car showroom and other floorspace falling within Use Classes A1, A3, A4, A5 and C1 is only provided when it is needed to serve the employment uses which primarily comprise the development approved under this permission in accordance with Policy UAP3 of the Warwick District Local Plan 1996-2011;
- (12) no more than 10% of the total B1 floorspace shall be occupied for purposes falling within Class B1a of the Town & Country Planning (Use Classes) Order 1987 as amended. **Reason:** To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety and to ensure that the development is primarily a technology campus in accordance with the identified need;
- (13) the first 8,500 square metres (GFA) of floorspace within the development shall be occupied by Jaguar Land Rover. No other buildings shall be occupied within the development until Jaguar Land Rover have fully occupied 8,500 square metres of B1 floorspace within the technology campus. **Reason:** Since the particular requirements of Jaguar Land Rover form part of the very special circumstances for permitting this inappropriate development within the Green Belt, in accordance with the NPPF.

### Landscaping and tree protection

- (14) any soft landscaping referred to in Condition 1 in respect of each phase shall be completed in all respects within 6 months of the substantial completion of development in that phase. Any such landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from the substantial completion of development in that phase shall be replaced within the next planting season with landscaping of a similar size and species to that which they replace. Any replacement hedging, trees or shrubs shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled
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## PLANNING COMMITTEE MINUTES (Continued)

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 visual amenity in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

- (15) no demolition or construction works shall commence in any phase (including any ground remodelling works), until a Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment in respect of those trees earmarked for retention under Condition 6 above have been submitted to and approved in writing by the local planning authority. Thereafter, all demolition and construction works (including any ground remodelling works) in that phase shall be undertaken in strict accordance with the approved Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment. **Reason:** To safeguard those trees to be retained in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (16) the existing trees, shrubs and hedges indicated under Condition 6 to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedges removed without such consent or 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 with tree(s), hedge(s) or shrub(s) of such size and species as have been approved in writing by the local planning authority. All tree(s), hedge(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 trees and shrubs 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 Policy DP3 of the Warwick District Local Plan 1996-2011;
- (17) the construction of buildings and mounds within the technology campus shall be phased in strict accordance with the construction phasing plan (drawing no. 3924-1/004 P4). **Reason:** To



## PLANNING COMMITTEE MINUTES (Continued)

ensure that the mounds provide screening for the development at the earliest opportunity, in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

- (18) prior to commencement of site works including demolition, a detailed soil management plan, conforming to the *Defra Code of Practice for the Sustainable Use of Soils on Construction Sites (2009)*, will be submitted for approval by the local planning authority. The plan will detail proposals for soil stripping, movement, storage, and spreading and will also identify soil remediation works where required. All earthworks shall be carried out in strict accordance with the approved details. **Reason:** To ensure the sustainable management of the site's soil resource and to ensure that earthworks will provide the best opportunities for successful establishment and sustenance of landscape infrastructure and ecological services throughout the scheme, in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

### Highways

- (19) the development hereby permitted shall not exceed 70,683 square metres (GFA). Such development shall not exceed the following thresholds in respect of the specified uses as defined in the Town & Country Planning (Use Classes) Order 1987 as amended:

- 56,766 square metres (GFA) of B1 floorspace;
- 4,645 square metres (GFA) of car showroom floorspace;
- 11,617 square metres (GFA) of hotel floorspace; and
- 2,300 square metres (GFA) of A1, A3, A4 and A5 floorspace.

**Reason:** To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

- (20) no development shall take place other than site preparation and earthworks until a scheme of traffic impact mitigation at the A46/A45/A444 Stivichall interchange, which shall comprise at least the following works, has been submitted to

## PLANNING COMMITTEE MINUTES (Continued)

and approved in writing by the local planning authority:

- Signalisation of the on slip approach from the A444 to A45;
- Signalisation of the off slip west bound from the A45 and removal of segregated left turn lane;
- Realignment of traffic lanes on the circulatory carriageway;
- Realignment of kerbs on the approaches/circulatory carriageway.

The mitigation scheme shall be informed by an assessment of the traffic impacts at this junction and its associated interaction with the A46A45(T) with the scope of this assessment to have been first agreed in writing by the local planning authority. The mitigation scheme approved under this condition shall be implemented in strict accordance with the approved details. **Reason:** To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

(21) no development shall take place other than site preparation and earthworks until the following details have first been submitted to and approved in writing by the local planning authority:

- (a) Full details of how the site access provisions generally as illustrated on the General Arrangement Drawing 15-0752-100 Rev 1 will align with Highways England's A45 Tollbar End Improvement scheme;
- (b) Full details of the proposed alterations to the A46 / Stoneleigh Road / Dalehouse Lane junction generally as illustrated on drawing number 15-0752-110;
- (c) Full details, of the proposed new A45 Grade Separated Junction as generally illustrated on General Arrangement Drawing Number 15-0752-100 Rev 1; and
- (d) Full details, of the proposed alterations to the A46 / A45 / A444 Stivichall Interchange.

The details to be submitted under this condition shall include:

- How the development scheme interfaces with the A45 / A46 trunk roads highway alignment, including full details as indicated within the
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## **PLANNING COMMITTEE MINUTES (Continued)**

design check list contained within HD19/15 of the Design Manual for Roads and Bridges (DMRB).

- Confirmation of full compliance with the current Design Manual for Roads and Bridges (DMRB), Interim Advice Notes (IANs), Traffic Sign Manual (TSM), Manual of Contract Documents for Highway Works (MCHW) and associated British Standards and Eurocodes and Department for Transport Policies, Local Transport Notes (LTNs), Traffic Advisory Leaflets (TALs) and Advice Notes and any necessary relaxations / departures from standards approved by the Highways Authority for the Strategic Road Network.
- Independent Stages One and Two Road Safety Audits carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) and related Interim Advice Notes (IANs) prior to construction. A Stage three RSA will be required prior to opening.
- Design stage Non-Motorised User Audit carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) standard and related Interim Advice Notes (IANs).

Thereafter the development shall be undertaken in full accordance with these approved details.

**Reason:** To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

- (22) prior to the commencement of development, other than site preparation and earthworks, detailed design of the amendments to the existing cycleway along the northern edge of the A45 Stonebridge Highway shall be submitted to and approved in writing by the local planning authority. The design shall include details of the downgrading of the cycleway to a footway at the access to Stonebridge Meadows Local Nature Reserve (the SINC) and an appropriate signage strategy. The development shall be carried out in strict accordance with the details approved under this condition. **Reason:** To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

## PLANNING COMMITTEE MINUTES (Continued)

- (23) prior to the commencement of drainage works, details of the drainage strategy for the development site and highway works affecting the Strategic Road Network shall be submitted to and approved by the local planning authority. The drainage strategy shall ensure there is no connection (direct or indirect) to the trunk road drainage system. The drainage strategy shall thereafter be implemented in strict accordance with the approved details. **Reason:** To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;
- (24) no development shall commence other than site preparation and earthworks until full details of the site access provisions, in general accordance with drawing nos. THDA SK12 Rev C, THDA 15-0752 101 Rev 1 & THDA 15-0752 102 Rev 1, have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in strict accordance with the approved plans and permanently retained thereafter. **Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;
- (25) no development shall commence in the relevant phase until a scheme of mitigation for the A46/Stoneleigh Road/Dalehouse Lane Interchange, in general accordance with drawing no. THDA 15-0752 110, has been submitted to and approved in writing by the local planning authority. Thereafter the mitigation scheme shall be implemented in strict accordance with the approved details and permanently retained thereafter. **Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;
- (26) no construction shall commence in each phase until a Construction Management Plan for that phase has been submitted to and approved in writing by the local planning authority. This shall include a Construction Phasing Plan, HGV routing Plan, details of provision for HGV access and manoeuvring on site and details of employee car parking provision. The development shall be carried out in strict accordance with the Construction Management Plan approved under this condition. **Reason:** In the interests of

## PLANNING COMMITTEE MINUTES (Continued)

highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;

- (27) access to and departure from the development site by construction delivery vehicles shall not be permitted between 0730 hours and 0900 hours or between 1630 hours and 1800 hours. **Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;
- (28) no development shall commence other than site preparation and earthworks until details of the proposed accesses onto Rowley Road, in general accordance with drawing no. THDA 15-0752 106 and PHP Architects Illustrative Development Plan 3924-1 002 rev P8, have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in accordance with the approved plans and permanently retained thereafter. **Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;
- (29) no construction shall commence on site until a detailed Highway Improvement Works Phasing Plan and Construction Sequence Programme/Timetable, linked to the extent of built floor space, and generally in accordance with Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P27 and PHP Architects Construction Phasing Plan Including Highways and Earthworks 3924-1 004 rev P3 has been submitted to and approved in writing by the local planning authority. Thereafter the phasing of development shall be undertaken in full accordance with these approved details. **Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;
- (30) no more than 46,450 square metres (GFA) of development falling within Use Class B1 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be brought into use and occupied until the Phase 2 site access highway works as illustrated on Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P27 have been constructed in general accordance with the detailed highways drawings in respect of such phase 2 works forming part of the approved application documentation and is

## **PLANNING COMMITTEE MINUTES (Continued)**

opened to traffic. **Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;

- (31) the construction of any highway structure as identified on TH:DA Drawing No. 15-0752 140 (Structures Location Plan) shall be undertaken only in full accordance with details, which shall include an approval in principle report, which have previously been submitted to and approved in writing by the local planning authority.

**Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;

- (32) no highway works approved as part of the development shall be undertaken unless and until:

- i) a Stage 1 and 2 Safety Audit (incorporating associated designers responses); and
- ii) the details of any relaxations or departures from the highway standards utilised by the relevant Highway Authority at that time; in respect of those highway works, have been submitted to and approved in writing by the local planning authority.

**Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (33) street lighting shall be provided in respect of each phase of the development hereby permitted which involves the construction of highways, footpaths or cycleways in full accordance with details previously submitted to and approved in writing by the local planning authority. **Reason:** In the interests of highway, pedestrian and cyclist safety in accordance with Policies DP6 and SC4 of the Warwick District Local Plan 1996-2011;

- (34) at all times following the completion and opening to traffic of the phase 3 highway works in respect of the new A45 junction between the Festival and Toll Bar Islands, as illustrated on Lawrence Walker Ltd Drawing no. Figure 2 Rev P27 (Site Access Proposed Improvements Phasing) signage, traffic signal or other traffic management arrangements shall be in place on Rowley Road in accordance with details previously submitted to and approved in writing by the local planning authority to discourage vehicles exiting the development from utilising the roundabout

## PLANNING COMMITTEE MINUTES (Continued)

element of the completed Highways Agency Tollbar End Improvement Scheme in order to access the strategic highway network. **Reason:** In the interests of promoting the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (35) no building within the development hereby permitted shall be occupied unless and until the following transportation infrastructure has been provided in respect of that building in accordance with Reserved Matters details submitted to and approved in writing by the local planning authority:
- i) Motor vehicle, pedestrian and cyclist access to that building from the boundary of the application site;
  - ii) All the car parking approved for that building which shall include disabled car parking comprising at least 2% of the total number of car parking spaces provided for that building plus 6 further spaces;
  - iii) Covered cycle and motorcycle parking; and
  - iv) Servicing arrangements in respect of that building.

Thereafter such transportation infrastructure shall remain in place and available for such use at all times. **Reason:** In the interests of highway, pedestrian and cyclist safety and to promote sustainable transport choices in accordance Policies DP6, DP8 and SC4 of the Warwick District Local Plan 1996-2011;

### Car parking and sustainable travel

- (36) the number of car parking spaces to be provided within the application site in respect of the development hereby permitted shall not exceed 2,500, of which a maximum of 500 shall be allocated for visitors and no more than 2,000 for the employees of the development. Provided the above limits are not exceeded, car parking shall be provided in accordance with the standards for low accessibility zones set out in the Council Vehicle Parking Standards Supplementary Planning Document. **Reason:** In the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies DP6, DP7 and DP8 of the Warwick District Local Plan 1996-2011;
- (37) prior to any part of the development being brought into use and occupied a detailed Car
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## **PLANNING COMMITTEE MINUTES (Continued)**

Parking Management Strategy for the control, management and enforcement of on-site (development plot) parking and of off-site (access and distributor road) parking shall be submitted to and approved in writing by the local planning authority. Thereafter car parking associated with the development shall be managed in full accordance with this approved Strategy. **Reason:** In the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies DP6, DP7 and DP8 of the Warwick District Local Plan 1996-2011;

- (38) the reserved matters to be submitted in accordance with Condition 1 in respect of any single unit exceeding 1000 square metres (GFA) shall be accompanied by details of showering and changing facilities for employees working in or visiting that unit. Thereafter such approved facilities shall be provided in the construction of that unit and at all times following the first occupation of that unit those facilities shall remain in place and be available for use by persons employed in that unit. **Reason:** To promote sustainable transport choices in accordance with Policy SC4 of the Warwick District Local Plan 1996-2011;

### **Drainage and flood risk**

- (39) no development other than site preparation and earthworks shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 plus 20% critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
- i) Full drainage calculations for a range of events (Microdrainage windes or similar)
  - ii) Construction details for the ponds/swales
  - iii) Details of how the scheme will be maintained and managed after completion.

**Reason:** To prevent the increased risk of flooding both on and off site, to ensure the features are constructed to the necessary standard and to

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## **PLANNING COMMITTEE MINUTES (Continued)**

ensure long term maintenance of the sustainable drainage scheme in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

- (40) the development hereby permitted (other than site preparation and earthworks) shall not be commenced until such time as a scheme to provide details of the proposed bridges and bridge extensions has been submitted to, and approved in writing by, the local planning authority. The scheme shall include construction details, details of bridge openings and details of any floodplain compensatory works. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements in the scheme, or any alternative arrangements as may subsequently be agreed, in writing, by the local planning authority.

**Reason:** To ensure the bridges and bridge extensions are constructed to a satisfactory standard and will not increase flood risk elsewhere in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

- (41) the development hereby permitted shall be carried out in strict accordance with the approved Flood Risk Assessment (dated 15/01/16, ref: WHI-BWB-EWE-XX-RP-EN-0001\_FRA Rev C, prepared by BWB Consulting) and the following mitigation measures detailed within the Flood Risk Assessment:

- Finished floor levels to be set no lower than 600mm above the 1 in 100 year +20% flood level and at least 150mm above average surrounding ground level as recommended in Table 5.1.
- Provision of floodplain compensation for the new River Sowe bridge on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 7,199m<sup>3</sup>.
- Provision of floodplain compensation for the proposed A46 slip road crossing on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 2,263m<sup>3</sup>.

**Reason:** To ensure runoff from the site is not increased, satisfactory storage is provided and water quality benefits are included in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

## PLANNING COMMITTEE MINUTES (Continued)

- (42) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that Order with or without modification, no structure shall be erected within Flood Zone 3 or the bridge and embankment floodplain compensation areas as delineated on drawing ref: WHI-BWB-EWE-XX-SK-EN-0010, S2, rev P1 (Masterplan showing Flood Zones). **Reason:** To ensure the bridges and bridge extensions will not increase flood risk elsewhere in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;
- (43) the reserved matters submitted under Condition 1 above in respect of any phase of the development shall include details for the disposal of foul sewage associated with any development in that phase. Thereafter infrastructure for the disposal of foul sewage in respect of that phase of the development shall be provided in accordance with the approved details before the development in that phase is first brought into use. **Reason:** To ensure that the development is provided with a satisfactory means of foul sewage drainage in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;
- (44) no development shall take place until a scheme for the provision and management of compensatory habitat creation, to compensate for the impact of the proposed development on the River Sowe, has been submitted to and agreed in writing by the local planning authority. This should include an investigation into the feasibility of river bank and floodplain restoration. Thereafter the development shall be implemented in accordance with the approved scheme. **Reason:** To ensure that harm resulting from the development can be adequately mitigated in accordance with Paragraph 118 of the NPPF;

### Relocation and protection of community and other facilities

- (45) for the duration of highway construction works on Rowley Road and thereafter at all times following the completion of those highway works access for the Midland Air Museum to and from Rowley Road shall be maintained in accordance with details submitted to and approved in writing by the local planning authority. **Reason:** To safeguard this cultural facility;

## PLANNING COMMITTEE MINUTES (Continued)

- (46) The development hereby permitted shall not be commenced on the site occupied by Trinity Guild RFC unless and until:
- i) the Trinity Guild RFC have moved to a new site and playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities have been provided for the club on that site which are at least equivalent in terms of quantity and quality to those which the club currently have on their existing site in accordance with details submitted to and approved in writing by the local planning authority in consultation with Sport England and;
  - ii) those playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities on that new site are available for use by the club.

**Reason:** To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures continuity of use and to accord with the NPPF;

### Archaeology

- (47) no development shall take place on any phase of the development hereby permitted until arrangements have been made to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The development shall be carried out in accordance with the programme so approved or any amended programme subsequently approved in writing by the local planning authority. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011;

### Crime and anti-social behaviour

- (48) No part of the development hereby permitted shall be occupied until:
- i) details of measures to prevent illegal road racing or other anti-social or dangerous use of the roads within the development have

## PLANNING COMMITTEE MINUTES (Continued)

- been submitted to and approved in writing by the local planning authority; and
- ii) the measures approved under i) have been implemented in strict accordance with the approved details in relation to that part.

**Reason:** To minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy DP14 of the Warwick District Local Plan;

- (49) no part of the development hereby permitted shall be occupied until ANPR cameras have been provided in accordance with a scheme submitted to and approved in writing by the local planning authority. The ANPR equipment shall comply with the ACPO ANPR standards and with the information security requirements of Warwickshire Police. Warwickshire Police shall be provided with access to the live feeds from the ANPR cameras at all times thereafter. **Reason:** To minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy DP14 of the Warwick District Local Plan 1996-2011;

### Noise, dust and odour

- (50) fume extraction and odour control equipment (including external ducting flues) associated with any catering operation shall be properly installed in its entirety in accordance with details first submitted to and approved in writing by the local planning authority and such installation shall have been inspected by the local planning authority before that catering operation commences. Any external ducting shall be colour coated in accordance with the approved details within one month of its installation and any replacement or modification shall be colour coated to match within one month of its installation. The equipment shall be permanently operated and maintained in accordance with the manufacturer's specifications. **Reason:** In the interests of amenity in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;
- (51) noise arising from any plant or equipment within the application site, when measured one metre from the façade of any residential property, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete
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## PLANNING COMMITTEE MINUTES (Continued)

impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

**Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(52) None of the buildings hereby permitted shall be first occupied until:

- (i) a report detailing noise mitigation measures for the development (including noise calculations) has been submitted to and approved in writing by the District Planning Authority; and
- (ii) the noise mitigation measures approved under (i) have been implemented in strict accordance with the approved details.

The approved noise mitigation measures shall be maintained in a manner that achieves the noise attenuation specified in the report approved under (i) at all times thereafter. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(53) the Construction Management Plan to be submitted under Condition 26 above shall also include detail in respect of those matters set out in Sections 4, 5 & 6 of the Construction Sequence and Programme report forming part of the approved application documentation and shall include details of measures to control dust and noise from construction activities. **Reason:** In the interests of highway safety and to protect the living conditions of nearby properties, in accordance with Policies DP2, DP6, DP7 and DP9 of the Warwick District Local Plan 1996-2011;

(54) no development shall take place on any phase of development until a Low Emission Strategy for that phase has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan;

## Contamination

## **PLANNING COMMITTEE MINUTES (Continued)**

(55) no development shall take place on any phase of the development until:

- i) a preliminary risk assessment has been carried out (to include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information) and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced;
- ii) a site investigation has been undertaken in accordance with details approved by the local planning authority using the information obtained from the preliminary risk assessment;
- iii) 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 and approved in writing by the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion.  
No remediation should be undertaken before the method statement has been so approved. The approved remediation requirements shall thereafter be implemented in full and all development of the site shall accord with the approved method statement.

**Reason:** To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011.

(56) if, during development, contamination not previously identified is found to be present at the site then no further development shall take place until an addendum to the remediation method statement has been submitted to and approved in writing by the local planning authority. The addendum to the method statement shall detail how this unsuspected contamination will be dealt with. The remediation requirements in the approved addendum to the method statement shall thereafter be implemented. **Reason:** To protect controlled waters and the health and safety of future occupiers, and to satisfy the

## PLANNING COMMITTEE MINUTES (Continued)

requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;

(57) no phase of the development shall be first occupied until a verification report demonstrating completion of the works set out in the approved remediation method statement and the effectiveness of the remediation has been 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. The report shall also include a plan (a "long-term monitoring and maintenance plan") for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in strict accordance with the approved details. **Reason:** To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;

(58) no recycled aggregate shall be imported to any part of the application site to be used in the construction of the development hereby permitted until:

- i) a scheme of validation sampling has been submitted to and approved in writing by the local planning authority; and
- ii) the recycled aggregate has been sampled in accordance with the scheme approved under i) and the results of the sampling have been submitted to and approved in writing by the local planning authority.

**Reason:** To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011.

(59) no infiltration of surface water drainage into the ground shall be permitted other than with the express written consent of the local planning authority. This consent will only be granted for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details. **Reason:** To protect controlled waters and to satisfy the requirements

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## PLANNING COMMITTEE MINUTES (Continued)

of Policy DP9 of the Warwick District Local Plan 1996-2011;

### Fire safety

- (60) construction work shall not begin on any phase of the development hereby permitted until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. No part of any phase of the development shall be occupied until the approved scheme has been implemented to the satisfaction of the District Planning Authority for that phase of the development. **Reason:** In the interests of fire safety in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

### Lighting

- (61) no development shall commence on any phase of the development hereby permitted, other than site preparation and earthworks, until a lighting scheme for that phase of the development, excluding street lighting, has been submitted to and approved in writing by the local planning authority. No lighting shall be installed other than in strict accordance with the approved lighting schemes. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality and the rural character of the area, in accordance with Policies DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011; and

### Sustainable buildings

- (62) no work shall commence on any of the buildings permitted under this outline planning permission and any subsequent reserved matters approval unless and until a scheme showing how either a) at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b) a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials, has been submitted to and approved in writing by the local planning authority. No building shall be first occupied until all the works within this scheme in respect of that building have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.



## **PLANNING COMMITTEE MINUTES (Continued)**

Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

### **82. W/17/1094 – 135 Warwick Road, Kenilworth**

The Committee considered an application from Tregarren Ltd for the Construction of nine apartments; three dwellings and three garages: variation of condition 1 of planning permission W15/0620 to allow changes to the design of the houses and apartments, the bin store location, garages and the parking layout.

The application was presented to Committee because of the number of objections received.

The officer was of the opinion that the original planning permission was granted under an outline application reference W/11/1618 and the reserved matters pursuant to this outline were subsequently approved under application reference W/15/0620. The policies and material considerations relevant to the reserved matters decision were set out in its associated officer report.

The variation of condition 1 to allow some revisions to the design of some of the proposed buildings, together with revisions to the parking layout and bin store location would not result in any detriment to highway safety, the visual amenity of the site and surroundings or the amenity of residential properties surrounding the site. Furthermore, there were no material changes in planning policy that would lead officers to a different conclusion to that which was reached previously through the assessment and determination of the previous application. It was therefore considered that the development remains in accordance with the relevant provisions of the Development Plan.

An addendum circulated at the meeting advised that a revised plan had been received on 31.08.17 which clarified a discrepancy over the height shown of the single storey extension of Plot 10.

Following consideration of the report, presentation and the information contained in the addendum, it was proposed by Councillor Morris and seconded by Councillor Ashford that the application should be granted.

The Committee therefore

**Resolved** that W/17/1094 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings T373-001 Rev D, T373-002
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## PLANNING COMMITTEE MINUTES (Continued)

Rev A and T373-004, and specification contained therein, submitted on 7 June 2017 and T373-003 Rev C and specification contained therein, submitted on 18 August 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (2) the development hereby permitted shall be carried out strictly in accordance with the details of materials as approved on 30 November 2016 in pursuance of condition 2 of W/15/0620. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be occupied unless and until an access for vehicles has been provided to the site in accordance with the details shown on submitted plan number T373-001 Rev C. **Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (4) the development hereby permitted shall not be occupied unless and until space has been provided within the site for the parking and turning of vehicles in accordance with submitted plan number T373-001 Rev C. **Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted within Blocks A & B shall not be occupied unless and until the bin storage area has been laid out and provided in accordance with submitted drawing T373-001 Rev C. Thereafter the bin store shall remain available for use at all times unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of the amenities of the future occupants of the residential accommodation in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

## **PLANNING COMMITTEE MINUTES (Continued)**

- (6) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no roof extension or addition shall be erected or constructed to, any of the dwellings hereby approved within Block C as identified on the proposed site plan.

**Reason:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

- (7) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the window(s) to be formed at first floor level in the north-west & south-east facing elevations of Block C and in the east facing elevation of Block B hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed.

**Reason:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

- (8) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no windows or openings, including dormer windows (apart from any shown on the approved drawings) shall be formed to any of the dwellings hereby approved and if any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed.

**Reason:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011; and

- (9) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no windows or openings (apart from any shown on the approved drawings) shall be formed at first or second floor level in the south facing elevation of Blocks A & B or at first floor level in the north-west and south-east facing elevations of Block C hereby approved and if any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **Reason:** To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

**83. W/17/1150 – Tyre World, Farmer Ward Road, Kenilworth**

The Committee considered a retrospective application from Tyre World for the erection of rear canopy.

The application was presented to Committee because of the number of objections received.

The officer was of the opinion that the principle of development was considered acceptable having regard to the saved policy SC2 of the Local Plan which sought to protect employment land and buildings. Notwithstanding some of the comments received from local residents relating to noise arising from the car wash, this was not the subject of this planning application, which sought permission solely for the erection of a canopy at the rear under which the car washing facility operated. It was not considered that the canopy gave rise to any harm to the general character of the area or the amenity of neighbouring properties and there was no detriment to highway safety. For these reasons, it was recommended that planning permission be granted.

Following consideration of the report and presentation it was proposed by Councillor Mrs Bunker and seconded by Councillor Ashford that the application should be granted.

The Committee therefore

**Resolved** that W/17/1150 be **granted** in accordance with the recommendations in the report, subject to the development hereby permitted shall be maintained strictly in accordance with the details shown on the site location plan and approved drawing

## **PLANNING COMMITTEE MINUTES (Continued)**

01771 02, and specification contained therein, submitted on 20 June 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

### **84. W/17/1301 – 33 Watling Road, Kenilworth**

The Committee considered an application from Mrs Antona for the erection of a two storey dwelling, to be attached to Number 33 Watling Road.

The application was presented to Committee because an objection had been received from Kenilworth Town Council.

The officer was of the opinion that the principle of development was acceptable insofar as new dwellings in Kenilworth were concerned. The principle of developing this site was acceptable subject to the site specific considerations set out in the report. The development would not give rise to any harm to the general character and visual amenities of the area nor would there be any impacts on the amenity of neighbouring properties. There would be no detriment to highway safety and matters of ecological impacts and renewable energies could be suitably covered by condition and/or advisory notes to be attached to any forthcoming permission. For these reasons it was therefore considered that planning permission should be granted subject to the conditions and notes listed in the report.

An addendum circulated at the meeting advised that an additional consultation response had been received in relation to the Open Space contribution that would be sought.

Following consideration of the report, presentation, information contained in the addendum, it was proposed by Councillor Heath and seconded by Councillor Edgington that the application should be granted.

The Committee therefore

**Resolved** that W/17/1301 be **granted** in accordance with the recommendations in the report, subject to the following 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 1494-11, 1494-12, 1494-13 and 1494-14 and specification contained therein, submitted on 14 July 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick
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## **PLANNING COMMITTEE MINUTES (Continued)**

District Local Plan 1996-2011;

- (3) no part of the development hereby permitted shall commence until details of all proposed boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with those approved details. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

- (4) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

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

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

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

- (5) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

**Reason:** To ensure that adequate provision is

## **PLANNING COMMITTEE MINUTES (Continued)**

made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (6) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and
- (7) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

### **85. CAAD HS2 – Land at New Kingswood Farm, Dalehouse Lane, Kenilworth**

The Committee considered an application from Mr G Minshull for a Certificate of Appropriate Development for the conversion of an agricultural building into three dwellings.

This application was made under the Land Compensation Act 1961, Section 17 as substituted by 63 of the Land and Compensation Act 1991.

The application was made to Committee because officers did not have delegated authority to deal with these applications.

The proposals the subject of this report arose from legislation which had been enacted to facilitate the delivery of the HS2 proposal and in particular were designed to assist landowners in realising an appropriate financial return upon the compulsory purchase of a property by, in this case, HS2 Limited.

A Certificate of Alternative Appropriate Development did not comprise a planning permission or a Prior Approval and did not permit development to

## **PLANNING COMMITTEE MINUTES (Continued)**

be undertaken. Rather, it was intended to identify development which was considered to be acceptable and likely to obtain planning permission or the Prior Approval of the Council (were a submission to be made) in order to assist in the valuation (for the purpose of compulsory purchase) of the property in question.

Having undertaken an assessment of the main issues, the officer was of the opinion that prior approval would be given under Class Q for the conversion of the building into three residential units. It therefore followed that a Certificate of Appropriate Alternative Development should be issued.

An addendum circulated at the meeting advised that the recommendation should be amended to read "That a certificate of Appropriate Alternative Development be approved and issued". In addition, it advised that HS2 objected to the approval of the certificate on the grounds that the mitigation scheme for the HS2 scheme would affect the access.

Councillor Morris raised concerns that if Members were expected to treat the application as if it was a full application, there was not enough information within the report to do this. He proposed that the application be deferred until there was clear criteria for it to come back to committee. The proposal was not seconded.

Following consideration of the report, presentation and information contained in the addendum, it was proposed by Councillor Mrs Bunker and seconded by Councillor Heath that the application should be granted.

The Committee therefore

**Resolved** that a Certificate of Appropriate Alternative Development in relation to Land at Kingswood Farm, Dalehouse Lane, Kenilworth is **approved** and **issued**.

### **86. Planning Appeals Report**

Members received a report from officers outlining the existing enforcement matters and appeals currently taking place.

**Resolved** that the report be noted.

(The meeting ended at 9.26pm)

CHAIRMAN  
10 October 2017



**Application No:** [W 16 / 1287](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Rob Young

01926 456535 rob.young@warwickdc.gov.uk

**Registration Date:** 14/07/16

**Expiry Date:** 13/10/16

**Station Approach, Leamington Spa, CV31 3NN**

Minor material amendment to planning permission ref: W/15/0905 to allow for minor changes to the landscaping and site layout. Planning permission ref: W/15/0905 was for a residential development. FOR Waterloo Housing Group

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This application is being reported to Planning Committee because it is recommended that planning permission be granted subject to the completion of a legal agreement.

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission, subject to conditions and subject to completion of a Supplementary Deed which binds the existing section 106 agreement to the new permission.

**DETAILS OF THE DEVELOPMENT**

The application proposes a minor material amendment to planning permission no. W15/0905 to allow for minor changes to the landscaping and site layout. This includes changes to the landscaping alongside the railway line to comply with the requirements of Network Rail as well as changes to the parking layout across various parts of the site.

These changes are very minor in nature. For example it includes changing the parking between plots 31-16 and plots 37-44 to tandem parking to accommodate a larger turning head, with an associated minor repositioning of those dwellings. With regard to landscaping the changes are similarly minor in nature, an example being the omission of tree planting that was proposed immediately alongside the railway maintenance path on the southern edge of the development, with the adjacent avenue of trees alongside this retained within the landscaping scheme.

**THE SITE AND ITS LOCATION**

The application site relates to a linear parcel of land of some 4.7 hectares, located north of Leamington Station and south of Avenue Road/Park Drive. The site is located behind existing properties fronting the highway. The eastern edge of the site bounds Lower Avenue.

The main access into the site is the junction of Station Approach and Avenue Road (located adjacent to the former Old Library/Art Gallery), with a secondary exit located at the mini roundabout junction between Avenue Road and Adelaide Road.

The site is 'brownfield' land that was previously occupied by a bus depot, car sales lot, vacant buildings and car parks, including a Warwick District Council car park. The conservation area bounds the north of the site, incorporating existing houses fronting Avenue Road. A residential development is currently being constructed on the site.

### **PLANNING HISTORY**

In February 2016 planning permission was granted for "Demolition of the existing bus depot, car sales lot and disused building between the lower and upper portions of Station Approach and changes to existing Warwick District Council car park reducing spaces from 300 down to 100. Construction of 212 homes consisting of 118 flats and 94 houses with ancillary parking, open space and associated highway alterations to Station Approach" (Ref. W15/0905).

Prior to that there had been a number of previous applications relating to the previous uses on the site and in relation to proposals for commercial and residential redevelopments.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029)
- TR4 - Parking (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Distance Separation (Supplementary Planning Guidance)

### **SUMMARY OF REPRESENTATIONS**

**Town Council:** No objection.

**Public response:** One objection has been received raising the following concerns:

- loss of privacy;
- loss of light;
- noise and disturbance;

- traffic congestion; and
- air quality.

Two other residents have submitted comments neither objecting to or supporting the application but raising the following queries:

- a hawthorn has been removed from the rear of 3 and 5 Avenue Road, was this supposed to be removed?
- has there been a significant reduction in tree planting or retention between block E and the backs of the buildings on Avenue Road?

**Inland Waterways Association:** No objection.

**WCC Ecology:** No objection.

**WCC Archaeology:** No comment.

**WCC Highways:** No objection.

**WCC Landscape:** No objection.

**WDC Environmental Health:** No objection.

## **ASSESSMENT**

The proposed amendment would not have any significant implications for the consideration of the main issues that were assessed in relation to the previous planning application for this site. This includes the principle of development, affordable housing / housing mix, car parking and highway safety, drainage / flood risk and renewable energy. Therefore the development remains acceptable in those regards.

The amendments do need to be assessed in relation to the impact the character and appearance of the area, the impact on the living conditions of neighbouring dwellings and ecology / landscaping.

The applicant advises that the amendments were necessary to comply with Network Rail regulations in relation to landscaping adjacent to the railway line, as well as to meet the requirements of WCC Highways. In this context it is not considered that the proposed changes can be objected to. The changes have been accepted by WCC Highways, WCC Landscape and WCC Ecology. The amended landscaping and site layout would be appropriate for this location and there is sufficient planting to provide an appropriate landscaped setting for the development. Therefore the proposals would have an acceptable impact on the character and appearance of the area. As there has been no objection from WCC Ecology, the proposals are also considered to be acceptable in terms of the ecological impact. Finally, with regard to neighbour impact, the proposed amendments would not result in any greater impact on neighbouring dwellings than was the case with the approved scheme.

A neighbour has queried whether there will be any significant reduction in tree planting to the rear of Block E. The previous indicative landscaping proposals did propose a line of tree planting between the access road to the rear of this block and the parking spaces in Lower Station Approach. This tree planting has been omitted from the revised scheme. However, there is shrub planting in this location and this is considered sufficient to provide a suitable landscaped setting for this part of the development. There is a separation distance of 50m from Block E to the rear of the nearest residential property on Avenue Road and consequently trees are not essential in this location from a screening point of view.

The other comments made by neighbours have been carefully considered. These have either been dealt with in the assessment above or were covered in the assessment of the previous planning application. None of the points raised would justify a refusal of planning permission for the proposed amendments.

The applicant has agreed to complete a Supplementary Deed which will bind the new planning permission to the existing section 106 agreement.

### **SUMMARY / CONCLUSION**

The proposed amendments would have an acceptable impact on the character and appearance of the area and on the living conditions of neighbouring dwellings. Furthermore the proposals would have an acceptable ecological impact. Therefore it is recommended that planning permission is granted for this minor amendment.

### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than 04/02/2019. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) MP01, 02, 03, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16 (Rev P1); HA1\_01, HA02\_01, HC1\_01, HC2\_01, HD1/2\_01, HD3/4\_01, HE1\_01, HF1\_01, HF2\_01, HGK1\_01, HH1\_01, HI1\_01, HJ1\_01, (Rev P01); B\_A\_01, B\_A\_02, B\_A\_03, B\_A\_E01, B\_A\_X01, B\_B\_01, B\_B\_03, B\_B\_03, B\_B\_E01, B\_B\_X01, B\_C\_01, B\_C\_02, B\_C\_03, B\_C\_E01, B\_C\_X01, B\_D\_01, B\_D\_02, B\_D\_03, B\_D\_E01, B\_D\_X01, B\_E\_01, B\_E\_02, B\_E\_03, B\_E\_E01, B\_E\_X01, B\_FGH\_01, B\_FGH\_E01 (Rev 01); G\_01, G\_02, G\_03 (Rev P1); ES\_01 Rev P1; SE\_01, SE\_02, SE\_03 (Rev P01); BMD.15.007.DR.P002, BMD.15.007.DR.P104, BMD.15.007.DR.P101, BMD.15.007.DR.P102, BMD.15.007.DR.P103, BMD.15.007.DR.P001, MID3943\_001, AAJ5036\_LS-01\_E, AAJ5036\_LS-02\_E, AAJ5036\_LS-03\_E, AAH5314/01-1A & AAH5314/01-2A, and specification contained therein, submitted on 8 June 2015, 13 July 2016 & 18 August 2016. **REASON :** For the avoidance of doubt and to secure a satisfactory form of

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

- 3 The development shall not be first occupied until all the works within the renewable energy / energy efficiency scheme that was approved under condition 3 of planning permission no. W15/0905 have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy CC3 of the Warwick District Local Plan 2011-2029.
- 4 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that were approved under condition 4 of planning permission no. W15/0905. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.
- 5 Prior to each phase of development approved by this planning permission no development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
  1. A supplementary site investigation scheme, based on the findings and recommendations of the two ground investigation reports produced by GIP Ltd (report refs. ML/21961, dated 26th June 2014 and ML/22841, dated 10th April 2015) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should be carried out following the vacation of the site by the current occupiers, allowing full access to all areas of the site.
  2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components will require details to be resubmitted to the Local Planning Authority for subsequent agreement. The scheme shall be implemented as approved. **REASON :** To protect the quality of 'Controlled Waters' receptors on and in the vicinity of the site, primarily the groundwater held within the underlying Secondary A aquifer and for the satisfactory and proper development of the site in accordance with

Policies NE5 & FW2 of the Warwick District Local Plan 2011-2029.

- 6 None of the dwellings hereby permitted shall be occupied until a trespass proof fence adjacent to the boundary with the railway has been installed in strict accordance with the details approved under condition 6 of planning permission no. W15/0905. **REASON :** To protect the adjacent railway from unauthorised access and improve community safety in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029.
- 7 The development shall be carried out in strict accordance with the details of ground levels, earthworks and excavations to be carried out near to the railway boundary that were approved under Condition 7 of planning permission no. W15/0905. **REASON :** To protect the adjacent railway from any undue disruption to the operation of train services.
- 8 The open space scheme that was approved under Condition 8 of planning permission no. W15/0905 shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029.
- 9 No lighting shall be installed or operated other than in strict accordance with the lighting details that were approved under Condition 9 of planning permission no. W15/0905. **REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE4 and NE5 of the Warwick District Local Plan 2011-2029.
- 10 The Construction and Environmental Management Plan that was approved under Condition 10 of planning permission no. W15/0905 shall be implemented in full. **REASON :** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 11 No construction shall be undertaken until a Construction Management Plan, which should contain a Construction Phasing Plan, measures to prevent mud and debris being deposited on the highway, details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, demolition or clearance works, delivery times, restrictions on burning, details of all temporary contractors buildings, plant and storage of materials associated with the development process and HGV Routing Plan is submitted and approved by the Local Planning Authority. All details shall be carried out as approved. **REASON :** In the interests of highway safety and the amenities of the occupiers of nearby properties,

the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 & NE5 of the Warwick District Local Plan 2011-2029.

- 12 The development shall be carried out only in full accordance with the sample details of the facing and roofing materials that were approved under Condition 12 of planning permission no. W15/0905. **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.
- 13 The Low Emission Strategy that was approved under Condition 13 of planning permission no. W15/0905 shall be implemented in strict accordance with the approved details. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy NE5 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.
- 14 The scheme detailing low energy mechanical ventilation that was approved under Condition 14 of planning permission no. W15/0905 shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of noise and disturbance from outside the development in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 15 The bat mitigation measures that were approved under Condition 15 of planning permission no. W15/0905 shall 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 and the aims and objectives of the NPPF.
- 16 The development shall be carried out in strict accordance with the surface water drainage scheme that was approved under Condition 16 of planning permission no. W15/0905. **REASON :** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029 and the NPPF.
- 17 The development shall not be occupied until the scheme for the provision of adequate water supplies and fire hydrants that was approved under Condition 17 of planning permission no. W15/0905 has been implemented to the satisfaction of the Local Planning Authority. **REASON:** In the interests of fire safety.
- 18 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any

contamination on the site, whether or not it originates on the site and any report of the findings must be submitted to and approved in writing by the local planning authority prior to first occupation. The report of the findings, to be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', must include; (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risk to; human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monument; (iii) an appraisal of remedial options, and proposal of the preferred option(s). **REASON:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies NE2 & NE5 of the Warwick District Local Plan 2011-2029.

- 19 The development shall be undertaken in accordance with a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared which shall be submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. **REASON:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies NE2 & NE5 of the Warwick District Local Plan 2011-2029.
- 20 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced shall be submitted to and approved in writing by the local planning authority. **REASON:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that



the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies NE2 & NE5 of the Warwick District Local Plan 2011-2029.

- 21 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 in accordance with the requirements of condition (No.18), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (No.19), which shall 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 in accordance with condition (No.20). **REASON:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies NE2 & NE5 of the Warwick District Local Plan 2011-2029.
- 22 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone ( whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 23 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until the scheme for the protection of all existing trees and hedges to be retained on site that was approved under Condition 23 of planning permission no. W15/0905 has been put in place. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON :** To protect trees and other features on site during construction in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029.

- 24 The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the first dwellinghouse (of that relevant phase and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation (of that relevant phase). Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 25 No infiltration of surface water drainage into the ground is permitted other unless this has been agreed in writing with the Local Planning Authority. This may be appropriate only for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details. **REASON :** To protect the quality of 'Controlled Waters' receptors on and in the vicinity of the site and for the satisfactory and proper development of the site in accordance with Policies NE5 and FW2 of the Warwick District Local Plan 2011-2029.
- 26 If piling or any other foundation designs using penetrative methods are used works shall not commence unless and until details have first been submitted to and agreed in writing by the Local Planning Authority. Penetrative foundation methods may be appropriate for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. **REASON :** Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029 and the NPPF.
- 27 Prior to groundworks, remediation or built construction the access to the site shall be implemented, located and laid out in general accordance with drawing MID3943\_001. **REASON:** To ensure that a satisfactory access in the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
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**Application No:** [W 17 / 0218](#)

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

**Registration Date:** 08/02/17  
**Expiry Date:** 05/04/17

01926 456534 lucy.hammond@warwickdc.gov.uk

**4a Wise Terrace, Leamington Spa, CV31 3AS**

Erection of a four and a half storey building to accommodate 4No. flats in multiple occupation (retrospective) FOR GSP Construction Limited

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

**RECOMMENDATION**

That planning permission be refused for the reasons set out at the end of this report.

**DETAILS OF THE DEVELOPMENT**

Retrospective planning permission is sought for the erection of a four and a half storey building to provide 4no. flats internally, each to be used as a house in multiple occupation (HMO). The total number of bedrooms across the four flats is 27.

Externally, no changes are sought to the design and appearance of the building previously granted permission under an earlier planning application (ref. W/11/0955). However, this permission approved the building as 4no. flats to be used as HMO's but with a total number of bedrooms of 14. Since the building has been completed with a fundamentally different internal layout, which provides an additional 13 bedrooms, retrospective permission is now sought for the whole development.

**THE SITE AND ITS LOCATION**

The application site lies towards the southern end of Leamington Spa town centre, in Wise Terrace, a small cul-de-sac located to the west of Wise Street, which is another no-through road to the south of High Street. The site was previously occupied by a dilapidated building, originally granted permission to be demolished and replaced with a new building to provide 4 apartments in 2008. The site was subsequently cleared and works began on the 2008 permission, which was never completed, instead being replaced by the later 2011 permission for a similar scale of development that sought to provide HMO's rather than market apartments.

The majority of Wise Terrace and Wise Street (to the east of the site) has been regenerated from commercial to residential uses. Wise Terrace is predominantly in residential use although there is an existing scrap yard and a substation to the east of the site (in Wise Street). Vehicle access to the site is gained via Wise Street.

The Grand Union Canal and towpath adjoin the southern boundary of the site, while the building's position has a dual frontage, not only facing Wise Terrace to the north but also the Tachbrook Road which the western elevation of the building looks onto.

Although the building sits entirely outside the Leamington Spa Conservation Area, its boundary adjoins the north and west boundaries of the application site, i.e. along the Wise Terrace and the Tachbrook Road frontages.

The building was substantially completed some time after the approval of the 2011 permission and has been occupied as a 27 bed HMO for approximately the last year.

### **PLANNING HISTORY**

**W/11/0955** - Construction of 4 new apartments in multiple occupation (3 x 3 bed 1 x 5 bed) and provision of 4 parking spaces (amendment to W/08/1208) – Approved 31.01.2012

**W/08/1208** - Demolition of existing workshop and storage building and construction of 4 new apartments and 4 car parking spaces – Approved 18.12.2008

Relevant to the planning history at this site is the fact that although the applicant submits that both schemes above were implemented, it is officers' opinion that the latter permission, approved in 2012, was not implemented. This is because of the extent to which the completed development varies from that approved as well as the non-discharge of a pre-commencement condition. With this in mind, officers consider that the development, as built, is therefore unauthorised and the permission, approved in 2012 has since lapsed (January 2015). The development currently before Members should therefore be considered as a new application for the whole development, i.e. the building and the total number of bedrooms (27) rather than just the additional 13 bedrooms which have since been provided internally.

### **RELEVANT POLICIES**

- The National Planning Policy Framework
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)

- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029)
- TR4 - Parking (Warwick District Local Plan 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)

#### Guidance Documents

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

### **SUMMARY OF REPRESENTATIONS**

**Leamington Spa Town Council:** Objection for the following reasons:-

- If granted, the percentage of HMO's would be 33.19% which is significantly in excess of the 10% required by Policy H6
- The contribution made by a 27 bed HMO to noise, rubbish and anti-social behaviour would not be insignificant, particularly as there appears to be no provision made for on-site management
- The building is overdevelopment of the site
- Non-compliance with the original planning permission granted (W/11/0955) which approved a 14 bed development
- There appears to be no outlined provision for bin storage on a site where nearly double the number of people would be living than originally planned
- The development is not on a main thoroughfare and lacks the requisite amount of parking

**Councillor Davison:** Objection for the following reasons:-

- This development is in excess of the 10% requirement in Policy H6 of the Local Plan
- There is concern about parking and management of the site

**Councillor Naimo:** Objection for the following reasons:-

- The development is contrary to Policy H6
- There is insufficient car parking for the development
- There would be a harmful impact on residential amenity of nearby properties

**WCC Highways:** Objection for the following reasons:-

- The development proposes a level of car parking which is substandard and not in accordance with the adopted car parking standards
- There is insufficient information submitted with the application to demonstrate that the increased number of bedrooms would not exacerbate the demand for on-street parking within the vicinity of the site
- With a number of parking spaces proposed which is deficient a parking survey is required to assess the demand for parking in this area. One has not been forthcoming to date during the course of the application
- Additional justification and information received by the applicant does not address the original concerns of the Highways Authority nor does it negate the requirement for a parking survey; the initial objection therefore still stands

**Health and Community Protection (Environmental Sustainability and Safer Communities):**

Objection for the following reasons:-

- Concern about noise resulting from the proximity of habitable room windows to the Tachbrook Road which is one of the main thoroughfares into and through the town
- The development is on potentially contaminated land and no evidence has been presented of any investigative work that has been carried out
- Regarding air pollution, the applicant has not put forward any proposals to prevent or offset the incremental increase in traffic fumes arising from the development

**WCC Ecology:** Some clarification sought but no objections overall

**Green Space team:** No objection subject to condition

**Private Sector Housing:** No objection

**Waste Management:** No objection

**Canal & River Trust:** No objection

**Warwickshire Police:** No observations to make

**WCC Archaeology:** No observations to make

**Public Response:**

28 letters of objection received raising the following concerns:-

- The development is contrary to Policy H6

- There is insufficient car parking provision
- Harmful impacts on residential amenity
- There is no evidence presented by the applicant to demonstrate why the additional number of bedrooms would not cause any greater impacts on the character of the area / amenity of residents
- Wise Terrace is not a main thoroughfare
- The development would exacerbate existing parking problems on-street in the vicinity
- It would appear there is a poor standard of amenity for future occupiers of the building if it was originally approved with 14 bedrooms and that has now been almost doubled, by providing 27
- Concerns about waste management
- Existing noise impacts would be exacerbated
- Existing anti-social behaviour would be exacerbated
- This area is predominantly residential
- Wise Terrace/Street lead out onto an already very congested stretch of road which this additional number of bedrooms would exacerbate

21 letters of support received (15no. from 6 addresses, together with 6no. from members of the security team who look after Station House and 19 Tachbrook Road.4a Wise Terrace). These letters make the following comments:-

- There have been no complaints or incidents of anti-social behaviour or noise associated with the residents
- There is no problem with car parking at the site
- The development has improved the character and appearance of the area which was previously dilapidated

## **ASSESSMENT**

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

- Principle of Development
- Impact on the character and appearance of the area
- Impact on the setting of the adjacent conservation area
- Impact on the living conditions of nearby dwellings
- Car parking and highway safety
- Environmental Health considerations (noise and contaminated land)
- Ecological impact
- Other matters

### **The Principle of the Development**

Retrospective permission is sought for the erection of a four and a half storey building to provide 4no. flats to be used as HMO's which cumulatively provide 27no. bedrooms. The planning history at the site is relevant to the principle of development and this is briefly summarised below:-

In 2008 permission was granted for the redevelopment of the site with the erection of a new building to provide 4no. apartments. Records suggest that this permission was lawfully implemented but the development was never completed

and in 2011, a new scheme was submitted to replace the original permission. This proposed a new building, broadly similar in visual terms as the original, but intended to provide 4no. flats as HMO's, providing a total of 14 bedrooms. This was granted but not built in accordance with the approved plans because during the course of construction the internal configuration was re-worked to provide a total of 27 bedrooms, an additional 13 over and above the permitted scheme. Notwithstanding the external appearance of the building being in accordance with the approved elevation plans, the development, as built, represents a fundamentally different scheme to the one given approval under the 2011 reference and accordingly this application now seeks retrospective permission for the whole development, i.e. the building and its use as 4no. flats as HMO's totalling 27 bedrooms.

To that end, the 2011 permission, which lapsed in January 2015 is not capable of being implemented but officers consider the 2008 permission, which was lawfully implemented, is extant and could, in theory be completed. It should be noted however that the approval of the 2011 scheme, is nevertheless a material consideration. It does however carry limited weight particularly in light of the key material change in policy terms, i.e. the adoption of the New Local Plan and full weight which can now be given to Policy H6 which is the key determining principle policy for a development of this nature. This would not have been a determining factor in the consideration of the 2011 scheme.

The principle of development is assessed against Policy H6 of the Local Plan which relates to houses in multiple occupation and student accommodation. The policy states that planning permission will only be granted for HMO's where:-

- a) the proportion of dwelling units in multiple occupation (including the proposal) within a 100m radius of the application site does not exceed 10% of the total dwelling units;
- b) the application site is within 400m walking distance of a bus stop;
- c) the proposal does not result in a non-HMO being sandwiched between 2 HMO's;
- d) the proposal does not lead to a continuous frontage of 3 or more HMO's; and
- e) adequate provision is made for the storage of refuse containers whereby -
  - the containers are not visible from an area accessible by the general public, and
  - the containers can be moved to the collection point along an external route only.

Although the development satisfies points b) - e) above, it does not accord with the first point which relates to the concentration of HMO's within a 100m radius. Given the existing number of HMO's already within the vicinity of the application site the development and the 4no. HMO's this provides would result in a concentration percentage which would stand at 33.19%. This is significantly over the 10% identified by Policy H6 rendering the principle of development unacceptable.

The policy sets out that exceptions to a) may be made where the application site is located:

i) on the campus of the University of Warwick or Warwickshire College or;



ii) on a main thorough fare in a mixed use area where the proposal would not lead to an increase in activity along nearby residential streets.

The site is not on the campus of either the University or the College nor is it on a main thorough fare. While the building has a dual aspect with one of its elevations fronting the Tachbrook Road, which is a main thorough fare, officers do not consider that this part of Tachbrook Road is in a mixed use area since almost all of the neighbouring buildings are in a residential use (either C3 or C4). Since the proposal is therefore contrary to the provisions of Policy H6 and there are no exceptions that can be applied to this development, the starting point would therefore be to refuse planning permission unless other material considerations indicate otherwise.

An assessment of those other relevant material considerations is set out in the remaining sections of this report, including reference to any possible benefits and disbenefits/material harm that may result from the development.

### **The impact on the character and appearance of the area**

In visual terms, the design, layout and external appearance of the building is broadly similar to the extant 2008 scheme, the key differences mostly relating to fenestration alterations, particularly on the southern elevation of the building which fronts the canal. Officers consider the external appearance of the building represents a significant improvement over the former condition and derelict nature of the site. The building, externally, enhances the overall character of the area and the appearance of the street scene in which it sits and with its proximity to the Grand Union Canal which adjoins the southern site boundary, it is considered that the development represents a significant improvement to this important canal-side frontage. The overall scale of the building is broadly comparable with other buildings in the surrounding locality, for example, buildings on the opposite side of the Tachbrook Road, and officers consider that the development overall is acceptable in visual terms. The development therefore accords with Policies DS3 and BE1 of the Local Plan.

### **The impact on the setting of the adjacent conservation area**

For the same reasons considered above, officers consider that the redevelopment of the former vacant site with the current development respects the setting of the adjacent Leamington Spa Conservation Area, as well as respecting important views both into and out of it. Furthermore the external appearance of the development is considered to preserve and enhance the setting of the adjacent conservation area. The development therefore accords with Policy HE2 of the Local Plan.

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

With regard to the physical building, it is not considered this would result in any demonstrable harm to the amenity of nearby residential properties, by reason of overbearing, loss of light or loss of privacy. The development approved by the 2008 permission was of a broadly similar scale, mass and bulk and was in fact

greater at roof level, proposing additional fourth storey accommodation whereas this development sets the top floor in from the Tachbrook Road elevation to provide a roof terrace. The 2008 scheme was deemed acceptable in terms of the physical impacts on neighbouring amenity and there are no material changes since the approval of that permission that would lead officers to reach a different conclusion in this regard.

The development does however now seek permission for a different use, i.e. 4 HMO's with a total of 27 bedrooms as opposed to the originally approved 4 apartments and it is acknowledged that within the context of the number of HMOs in the surrounding area and the absence of any substantive management plan seeking to address such issues, this intensification of the use of the building could have an impact on the amenity of nearby residential properties in terms of increased noise and disturbance arising from that proportion of such uses to an unacceptable degree.

### **Car Parking and highway safety**

While the development proposes 4 flats (as HMO's) the total number of bedrooms is 27. The parking standards require 1 space per 2 bedrooms for HMO's so this scale of development requires a total of 14 spaces. The development makes provision for a total of 8 parking spaces though it is noted these are laid out as 4x tandem spaces. This is substantially deficient, compounded further by the fact the parking spaces are tandem which results in an unworkable layout for an HMO, whether it is to be occupied as general or student accommodation.

The Highways Authority has raised objection to the development and despite additional information being submitted by the applicant during the life of the application, has continued to maintain this objection. The key concerns relate to the substandard number and layout of the parking spaces for a development of this scale and the knock on effect this would likely have on existing on-street parking in the vicinity of the application site. The Highways Authority, in their initial response, acknowledged the 2011 permission as a material consideration and therefore based their comments on the additional number of bedrooms proposed (i.e. 13). However, since officers have concluded that the 2011 permission is not extant and could not be implemented, the development, in its entirety must be considered, i.e. 27 bedrooms, for which 8 spaces are provided. The applicant has advised that the development is for occupation by students and therefore the parking standards allow greater flexibility for the parking arrangement to be determined on a case by case basis. In the event permission were forthcoming for this development and even if that were subject to an occupancy restriction to ensure the HMO's were only occupied by students, this still does not resolve the issue that 8 spaces represents not only a significant shortfall, but also an impractical and un-workable layout that could not easily be managed as all of the parking spaces cannot operate independently.

In accordance with the adopted parking standards, in order to consider parking which is below the stipulated requirements, there are five criteria of which one or more must be met. Of most relevance to this development are:-

- there must be sufficient capacity for on-street parking without detrimentally affecting the safety and convenience of other residents and occupiers,
- there is no on-street parking permitted in the vicinity of the development,
- the development meets other planning objectives and would not unacceptably worsen the parking situation.

The way to determine the above criteria is through the undertaking of a parking survey. In the absence of such a survey being carried out the applicant has not demonstrated that the lack of parking for the development will not further exacerbate the existing situation.

The applicant has submitted there is no policy requirement for a parking survey to be carried out, however, the Highways Authority has since confirmed it requests parking surveys as a matter of course within any areas of Leamington Spa which are subject to a high demand for parking in order to determine the parking stress and any capacity that may enable overspill parking to be accommodated. Without a parking survey, the potential for any additional demand on parking to be accommodated is unknown. Whilst this may only impact on the amenity of residents, which is a material consideration for the Local Planning Authority, the Highway Authority also needs to be able to determine whether there would be a potential highway safety implication.

Ultimately, there is insufficient information submitted with the application to fully assess the potential impact of the development. The concerns of the Highways Authority are that the scale of development would further exacerbate the existing demand for on-street parking. If on-street parking cannot be accommodated within a reasonable proximity of the development this could lead to unsafe parking practices occurring which could lead to the obstruction of footways, accesses, visibility splays at junctions and access by the emergency services to the detriment of highway safety.

For these reasons officers are not satisfied that the applicant has adequately demonstrated that the development would not be detrimental to highway safety and accordingly it is considered the development is contrary to the provisions of Policies TR1 and TR4 of the Local Plan.

## **Environmental Health considerations**

The comments from the Environmental Health Officer are noted; these relate to noise, contaminated land and air quality. In respect of the first two, officers consider these matters have already been satisfactorily addressed through the 2008 permission insofar as the position of bedrooms within the internal configuration now is broadly similar to the original approved scheme so it would be unreasonable to require further survey work to be undertaken in this regard. In respect of contaminated land, the relevant records suggest that a contaminated land survey was undertaken and submitted in pursuance of condition 5 that was imposed on the 2008 permission. Since the survey and recommendations within it were deemed acceptable this particular condition was not carried forward to the subsequent 2011 permission. As such, it would be unreasonable to require further survey work in this regard.

In respect of the latter point regarding air quality, in the event that permission were forthcoming for this development it would be subject to a standard condition requiring a low emissions strategy, in accordance with Policy NE5 of the Local Plan. Such a strategy would, for example, include vehicle charging points to be provided for electric vehicles.

Overall, the development is considered to be acceptable in respect of the relevant environmental health considerations and therefore accords with Policies BE3 and NE5 of the Local Plan.

### **Ecological Impact**

The County Ecologist originally sought clarification over the condition of the site, i.e. if the former building had been demolished some time ago there is a likelihood the site could have become overgrown in the following time. However, it is understood, that following the approval of the original 2008 permission, the building was demolished and works commenced soon thereafter on the first permission. Despite the fact this was never built out it is unlikely that there would have been a long period of time in which the site was allowed to become overgrown. Owing to the retrospective nature of the development it is not considered reasonable or necessary to impose any precautionary notes at this time, in the event permission were to be forthcoming. Overall, the development is considered to be in accordance with Policies NE2 and NE3 of the Local Plan.

### **Other Matters**

#### Standards of amenity for future occupiers

Concerns from neighbouring residents are noted about the level of amenity and standards of living space for future occupiers of the building. However, the Private Sector Housing team has been consulted on the development and provided comments advising that each of the four flats have acceptable layouts and facilities. Overall, there are no objections raised to the development in this regard and accordingly, it is considered that the development accords with Policy BE3 of the Local Plan.

#### Open Space

In the event planning permission were to be forthcoming for this development, the Open Space team has advised there are no objections subject to the imposition of a standard condition which would secure a scheme for the provision or improvement of open space within the catchment area of the application site. Should permission be granted for this development, it would be subject to such a condition. The development therefore accords with Policy HS4 of the Local Plan.

#### Waste Management

The site plan shows the position of the bin storage area, which is on the Wise Terrace frontage of the site; space is shown for the storage of 8no. recycling bins as well as a commercial sized waste bin. These would be accessed by the refuse collection vehicle via Wise Terrace.

The Waste Management team have raised no objections to the development and provided some standard advice for the management of waste, including the provision of appropriate bin storage facilities and collection arrangements. Officers consider this aspect of the development is acceptable.

### **SUMMARY/CONCLUSION**

Retrospective permission is sought for the erection of a four and a half storey building to provide 4no. flats to be used as HMO's providing a total of 27 bedrooms. The principle of development is considered unacceptable in accordance with Policy H6 of the Local Plan and with an outstanding objection from the Highways Authority that has not been resolved, there are fundamental concerns regarding the level of car parking provision for the development. Officers are therefore not satisfied that the development would not be detrimental to highway safety nor is there any evidence to demonstrate that this scale of development would not exacerbate existing on-street parking problems in the local area. The development is therefore considered to be contrary to the provisions of Policies H6, TR1 and TR4 of the Local Plan.

Notwithstanding these objections to the development, the visual appearance is considered to be acceptable and the development would not give rise to any harm to the setting of the adjacent Leamington Spa Conservation Area. Similarly, the development is considered to be acceptable with regard to the general impacts on neighbouring amenity. While officers recognise that the potential use of the building as HMO's on this scale might bring with it some economic benefits to the town centre of Leamington Spa and whilst also recognising the site's position and close walking distance to public transport links, shops and other services, these do not amount to significant benefits such that they would over-ride the in-principle objection and furthermore the objection from the Highways Authority. For these reasons it is recommended that planning permission be refused for the two reasons set out below.

### **Reasons for Refusal**

The application site is located within an area where there is a high demand for on street parking and where the concentration of existing houses in multiple occupation (HMOs) is contrary to policy H6 of the emerging Warwick District Local Plan 2011 - 2029 and consequently where there is an increased likelihood of that existing concentration of HMOs having a detrimental impact on residential amenities within the immediately surrounding area.

1. The proposed development by reason of the intensity of the use which is characterised by the number of proposed bedrooms would further intensify HMO capacity within that area thereby increasing the risk of further reducing those amenities for residential occupiers in the locality to an unacceptable level.
2. The proposed development does not make sufficient or appropriate provision for the parking of vehicles within the application site

which would therefore exacerbate existing demand for on street parking within the locality and result in the increased potential for unsafe vehicle movements to the detriment of both highway safety and the amenities of residential occupiers in the locality. Insufficient information has been provided by the applicant to demonstrate that this would not be the case.

The development is therefore contrary to the National Planning Policy Framework and to the following Development Plan policies:-

The Warwick District Local Plan 2011 - 2029

- Policy H6: Houses in Multiple Occupation and Student Accommodation
- Policy BE3: Amenity
- Policy TR1: Access and Choice
- Policy TR4: Parking

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**Planning Committee:** 10 October 2017

**Item Number: 7**

**Application No:** [W 17 / 0699](#)

**Town/Parish Council:** Warwick  
**Case Officer:** Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

**Registration Date:** 18/04/17

**Expiry Date:** 18/07/17

**Land to the south of Gallows Hill, Warwick**

Development of up to 260 dwellings, public open space, landscaping, access to Gallows Hill, sustainable urban drainage systems, footpaths/cycle ways, and associated infrastructure. All matters to be reserved except access into the site.  
FOR William Davis Limited & Hallam Land Management Limited

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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 is recommended to grant planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement.

Thereafter, Planning Committee is recommended to grant delegated authority to Officers to allow for the refusal planning permission should the Section 106 Agreement is not completed by 27 October 2017.

**DETAILS OF THE DEVELOPMENT**

The proposal is for an outline application with all matters reserved other than access for up to 260 dwellings.

It is proposed to have 40% as affordable units.

The remaining matters would be reserved for a separate submission.

**THE SITE AND ITS LOCATION**

The site is a roughly triangular parcel of land that is flanked on two sides by public highway – Gallows Hill and Banbury Road. The third side is an open, undelineated boundary that abuts the site owned by Gallagher's which has an existing, extant permission for residential development.

The site is open agricultural land with a single tree punctuating the open land within the site. The boundaries of the site are set to a combination of mature trees and hedges that have been supplemented with a dense buffer of young trees species.

The highest point of the land is where the site joins a neighbouring site to the East that has outline planning permission for residential development. The land has a plateau in this area then the land falls away quite significantly to the West towards Warwick Castle.

To the north of the site is the Warwick Technology Park that is served from Gallows Hill.

To the east of the site is an adjoining residential site as detailed above which is currently a continuation of the open field on the existing plateau.

To the south of the site is the Banbury Road and beyond this, the Castle Fields site which is a Registered Park and Garden and also forms the boundary of the Warwick Conservation Area.

The site forms part of the strategic allocation H46A for up to 630 dwellings. This allocation incorporates the adjacent site (in separate ownership) that benefits from outline planning permission for up to 450 dwellings.

### **PLANNING HISTORY**

W/13/1434 - Outline planning application for the erection of up to 250 dwellings together with associated infrastructure, landscaping and open space (all matters reserved except access) – Withdrawn 05.12.2013.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029)
- DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029)
- TR3 - Transport Improvements (Warwick District Local Plan 2011-2029)
- TR4 - Parking (Warwick District Local Plan 2011-2029)



- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE4 - Protecting Historic Parks and Gardens (Warwick District Local Plan 2011-2029)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- W1 - Waste Core Strategy (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Warwickshire Landscape Guidelines SPG
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Draft Village Housing Options and Settlement Boundaries (November 2013)

## **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** Warwick Town Council wishes to object on the grounds of over development, effects on air pollution, traffic congestion, lack of infrastructure and concerns regarding flooding.

They are particularly concerned about health and education provision.

**Bishop's Tachbrook Parish Council** -Objection - more houses than the allocation permits, harm to the adjacent Castle Park with no public benefit to outweigh the harm, further traffic impact, additional air quality impact, the Environmental Statement does not reference new housing granted in air quality assessment, the scheme does not satisfactorily address the cumulative impact of developments.

**WCC Fire and Rescue** - Comments - No objection subject to condition.

**Natural England** - No specific comments - provision of standing advice for protected species.

**WCC Public Health** - No objection. Advice provided for good design for health and wellbeing.

**Lead Local Flood Authority** - No objection subject to conditions.

**WCC Rights of Way** - No objection. Request S106 contribution to improve local rights of way.

**WCC Highways** - Need updated modelling in transport assessment to reflect developments within the local area.

**WDC Green Space** - Advice provided on type of green spaces to be incorporated. Further discussions to take place once detailed proposals are submitted.

**Warwickshire Police** - Recommend contribution be secured towards additional policing requirements as a result of the development.

**Historic England** - Concern regarding the impact on the adjacent Castle Park. Further justification/mitigation is required.

**Conservation Advisory Forum** - Would like development pulled back from boundaries and additional landscaping provided. Concern over whether one access is sufficient. Need more assessment of visual impact from Warwick Castle. Existing tree should be TPO'd. Traffic impact on Warwick Town Centre should be assessed.

**WDC Environmental Sustainability** - No objection subject to conditions on air quality, contamination, noise and submission of Construction Management Plan.

**WCC Landscape** - The design criteria appear to have moved away from the original intention to protect views from the higher parts of the Castle. Instead the emphasis appears to have become centred on the vista of the Castle from the site itself. The proposed masterplan does not achieve its own intention of providing significant tree belts which would serve to soften the effects of the development over time and prevent the new development being seen as a solid block.

The selection of appropriate tree species in the vicinity of these important historic sites is extremely important to the success of the overall scheme. Trees should be selected to provide natural form and good screening capacity, whilst at the same time being in keeping with a Feldon Parkland setting. This will require houses to be spaced further apart than normal to enable the establishment of significant tree belts and may result in a lower density of housing. This is considered to be necessary in order to safeguard important views from Warwick Castle Towers.

**Public Response** - A total of 35 letters of objection received on the following grounds;

Concerned about the amount of new housing in the area.  
Increased congestion around the site and local highway network.  
Will harm the historic town of Warwick.  
The infrastructure cannot cope with additional housing in this area.  
Loss of further green space that diminishes the green approach to Warwick.  
Further harm to already high levels of air pollution in the area.  
Harm to views from the Castle and Church.  
Parking must meet parking standards.  
There is no need for new housing in the area as the 5 year housing land supply has been met.

## **ASSESSMENT**

### **Principle of development**

The application site is identified within the Local Plan as a site for new housing development as part of the wider strategic urban extension to the south of Warwick and Leamington. The land forms part of the H46A allocation which is covered by two different land owners. The area of land immediately to the east of the site forms part of the allocation and has an existing and extant permission for up to 450 dwellings.

The current Local Plan has the most up to date evidence base for the allocation of new housing land and this site forms part of the strategic expansion of Warwick and Leamington as defined within Policy H1.

The overall allocation for new dwellings on the H46A Allocation within the Local Plan identified up to 630 dwellings. Taking into account the existing outline permission for 450 dwellings on the adjacent site, this scheme would result in the provision of up to 710 dwellings, 80 over the original allocation. The schemes identified on the indicative Masterplans submitted on both sites demonstrate that this number of dwellings could be accommodated onto the land without representing an overdevelopment of the site. The site is located in a sustainable area and the additional dwellings would not result in an overprovision that would be detrimental to the overall strategy of the plan.

Officers are satisfied that the principle of the proposed development is in accordance with the Local Plan.

### **Five Year Housing Land Supply**

The most up to date Five Year Housing Land Supply (5YHLS) figures state that as of 1 April 2017, the District Planning Authority is able to demonstrate a 6.62 year Housing Land Supply.

### **National Planning Policy Framework**

Paragraph 49 of the NPPF states that housing applications should be considered with a presumption in favour of sustainable development.

The site is identified within the Local Plan as forming part of a strategic allocation for new housing.

When assessing what is sustainable development in the context of the NPPF, there are three strands of assessment for sustainable development; An Economic Role, a Social Role and an Environmental Role.

The application site has been through the sustainability appraisal as part of the evidence base for the emerging Local Plan. This appraisal takes into consideration the three strands of sustainable development in its assessment and Officers are therefore satisfied that the site is a sustainable location for new residential development.

#### Conclusion on matters of principle

The Local Plan has now been formally adopted and the site is identified as a strategic housing allocation within this document.

Taking this into consideration with the presumption in favour of sustainable development as set out within the NPPF, the proposal is considered acceptable in principle.

#### Assessment of the proposed housing provision

Paragraph 50 of the NPPF states that local planning authorities should plan for a mix of housing, based on current and demographic trends, market trends and the needs of different groups in the community. It goes on to state that local planning authorities should identify the size, type, tenure and range of housing that is required in different locations.

In accordance with the above requirements, the Council has adopted guidance on the required mix of market housing (June 2013). This is based on the 2012 Strategic Housing Market Assessment for Warwick District and specifies a mix of 7% 1 bedroomed dwellings, 26% 2 bedroomed dwellings, 43% 3 bedroomed dwellings and 24% 4 bedroomed dwellings.

The applicant has confirmed that a comprehensive mix of unit types will be proposed ranging from one bedroomed houses to four bedroomed houses, which can be controlled by condition to ensure this is followed at reserved matters stage. An affordable housing allocation of 40% will be incorporated into the design also.

The affordable housing would be secured by a Section 106 agreement to accord with Policy H2.

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

The sloping nature of the land creates a natural plateau on the eastern side of the site that falls away towards the west quite significantly. The change in levels has been assessed within the application package and the indicative masterplan submitted demonstrates how the two areas of the site will be integrated into the landscape. A planting belt is proposed across the upper section of the site on the plateau to mitigate the impact of the dwellings concentrated in this area. Large swathes of open land are proposed on the sloping area of the site adjacent

to Gallows Hill where distance views are afforded from the Castle and St Marys Church.

Views from outside the site are mitigated by existing mature boundary planting that is proposed to be supplemented with additional planting. The existing boundary to the south of the site, where it is adjacent to the Castle Park has already been strengthened with significant tree planting that offers significant structural planting to this boundary of the site.

It is noted by Officers that the upper area of the site will be read against the backdrop of further residential development on the parcel of land to the immediate east of the application site and this is an important consideration when considering the visual impact of this development.

The scheme as identified on the indicative masterplan identifies large areas of open space forming an integral element of the overall proposal and the result is a development that seeks to significantly bolster the amount of tree planting within the site and retaining large areas of open green space within the development that give an overall feeling of a development site that is sensitive to the edge of the settlement and creates a more green and 'leafy' form of development that is appropriate for this location.

The Landscape Officer has raised concerns regarding the proposed layout of the scheme and would seek further planting schemes to be provided. At this stage, the masterplan drawing is indicative only and the overall landscaping strategy for the site will be provided at reserved matters stage. The applicants have been in negotiation with the Landscape Officer to agree a suitable solution for the treatment of the site and this will be submitted as part of the reserved matters application.

Overall, Officers acknowledge that the masterplan is indicative at this stage but consider that it defines the general intentions and aspirations of the application to create a site that forms a green buffer to this edge of settlement location. The proposed development is considered to be acceptable in terms of the impact on the character of the surrounding area.

### **Impact on the adjacent Registered Park and Garden and Warwick Conservation Area**

Warwick District Local Plan Policy HE2 states that development will be required to preserve or enhance the special architectural and historic interest and appearance of Conservation areas and states development will be expected to respect the setting of conservation areas and important views both in and out of them.

Historic England has expressed concern regarding the proximity of the site to the Castle Park Registered Park and Garden. The applicants have considered the comments of Historic England and have provided a detailed Heritage Assessment of the proposed development. The scheme as shown on the indicative masterplan shows how the scheme takes elements of the adjacent Castle Park and reflects that through the proposed landscaping of the site to provide some visual cohesion between the areas in terms of landscaping.

It is noted by Officers that the site boundary adjacent to Castle Park and the Warwick Conservation Area boundary is delineated by mature landscaping that has been supplemented by additional tree planting to provide a significant buffer between the sites. Officers are satisfied that this planting provides a green buffer between the areas of land so that they do not compete visually and are not easily read together when viewed from ground level. The use of dense planting ensures that even in winter when the trees are not all in leaf, a sufficient buffer is provided between the sites to prevent any harm as a result of the residential development of the site having a detrimental impact on the Castle Park.

As the application is outline only, detailed matters such as landscaping and appearance of the development are not being considered at this stage. However, the indicative masterplan submitted provides an appropriate framework for the form of any future development on the site as a basis for securing the high quality planting and form of development that ensures the scheme does not create any significant detrimental harm to the character of the Castle Park RPG or the wider Warwick Conservation Area.

### **Impact on the character and setting of Listed Buildings including Warwick Castle and St Marys Church**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

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

Whilst the immediate setting of Warwick Castle and St Marys Church are not directly affected by the proposal, key views from both of these buildings are available across the site.

The adjacent site has a specific site line of the Castle and Church incorporated into the Design Code for the future development of the site that allows an uninterrupted vista through the site. The masterplan submitted for this site continues the open vista through the top section of the site where the land lies on the plateau. The area of open space as the land falls away is also contained within this vista ensuring that the views of the castle and church are maintained as well as minimising the amount of built form in prominent areas of the site where visible from the castle and church.

The applicants have provided visualisations of the views from the castle to demonstrate that the harm to this very important view would be minimised. It is also noted that the site will be viewed against the backdrop of the adjacent

development site that shares the allocation so there will be an element of built form visible from the important views from the castle and church. Officers are satisfied that the development put forwards on the illustrative masterplan has had significant regard to these important views and can be integrated into the landscape satisfactorily with additional planting being provided to significantly soften the impact of the development.

The site also lies adjacent to The Toll House on the Banbury Road which is also a Grade II Listed Building. Officers are satisfied that the layout of the scheme preserves the setting of this building by providing a deep, green buffer between the built form on the application site and the setting of the building.

### **Impact on adjacent properties**

There are no near residential properties to the site that would be directly affected by the residential development of the site.

The site is well screened from the surrounding premises by mature planting to the boundaries and these boundaries are to be strengthened as part of the application process. Officers are satisfied that there would be no significant harmful impact to the amenity of neighbours as a result of the development proposed.

The ample landscaping and public open space shown on indicative plans will assist in ensuring the new development provides a high quality residential environment. Such details will be considered in greater detail at the reserved matters stage.

As the application is outline only, no assessment is made of the potential future living conditions for occupants of the proposed dwellings and this will be considered at reserved matters stage.

### **Access and Parking**

The applicants have been in discussion with the County Highways Department regarding the access to the proposed development. The general siting of the access has been discussed with the County Highways Department and considered to be generally acceptable. The submission indicates that the site is proposed to be served by a single access point forming a cross roads with the existing access into the Technology Park.

An emergency access is proposed to the site within the north western corner of the site to provide access for emergency vehicles only. The access will allow for pedestrians and cycles to access and egress the site. It has been suggested that this could form a secondary access to the site to alleviate the potential pressure on the main site access. In considering this, Officers are mindful that this has the potential to create a 'rat-run' through the site in times of peak traffic with vehicles queuing on the main road. The provision of a formal secondary access would also diminish significantly the open vista that has been specifically designed into the scheme and this would undermine the overall design ethos of the site.

As the application is outline only, no specific details of parking have been provided for the plots. However, it would be expected that any future detailed design will meet the appropriate parking standards for the size of the plots.

Taking the above into account, Officers are satisfied that the impact on highway safety and traffic is acceptable.

## **Climate Change**

Policy CC1 of the Local Plan requires all developments to include measures to incorporate design features to be resilient to and mitigate for the future impacts of climate change through a range of measures including sustainable construction techniques and materials together with efficiency measures to reduce use of resources. As the application is in outline form, no statement has been submitted in support of this application. However, when a detailed scheme is submitted, appropriate measures can be satisfactorily be incorporated into the scheme. Officers are satisfied that appropriate measures would be feasible for this development and consider it appropriate to attach a condition requiring these details to be submitted.

## **Other Matters**

### Air Pollution

Concern has been raised regarding the high levels of air pollution already experienced within Warwick and the concern that this proposal will further exacerbate the level of pollution experienced within the town.

The Environmental Sustainability Officer has made an assessment of the proposal and raised no objection subject to a condition requiring the submission of a detailed Low Emission Strategy in accordance with the Low Emission Strategy Guidance. This guidance establishes the principle of Warwick District as an 'Emission Reduction Area' and requires developers to use 'reasonable endeavours' to minimise emissions and, where necessary, offset the impact of development on the environment.

Under the guidance the development is classified as a Major scheme because it required an Environmental Impact Assessment, as such the developer is required to calculate the costs of the proposed scheme to enable the assessment of the scale and kind of mitigation or compensation that is required to make the scheme acceptable.

As a major scheme the mitigation required should include aspects of Type 1, 2 and 3 mitigation from the guidance. As explained in the guidance, electric vehicle (EV) recharging provision for each house with dedicated parking is expected. The guidance sets out a range of locally specific measures to be used to minimise and/or offset the emissions from new development, however these are suggestions and other innovative ideas are encouraged.

Officers are satisfied that the details can be secured by condition.



### Health and wellbeing

Warwickshire Police have raised no objection to the outline scheme subject to a financial contribution towards additional policing requirements for the area as a result of the additional dwellings.

In general terms it is proposed to ensure that the development follows Secured by Design principles through the imposition of an appropriate condition. This will assist in minimising the potential for crime and improve community safety for future residents.

### Drainage and Flood Risk

In terms of surface water drainage, the site is within Flood Zone 1, and it is proposed to install balancing ponds within the limits of the site to ensure run-off does not exceed existing green field rates plus allowance for climate change. The Lead Local Flood Authority has raised no objection to the scheme, subject to detailed design to be secured by condition.

In terms of foul sewage, it is indicated that the dwellings are proposed to connect to the mains sewers in the local area. Severn Trent have assessed the proposal and raised no objection to the scheme subject to a detailed drainage condition.

### Trees and Hedgerows

The site is currently an open field with a single tree located within the site area other than on the boundaries. The site has already been the subject of significant planting to the southern boundary to strengthen the boundary and increase the depth of separation with the adjacent highway. It also provides a significant buffer zone to the adjacent Castle Park.

A significant part of the proposal is to enhance the tree planting on the site as part of the development to create a softening effect to mitigate the impact on views from the Castle and Church. This has the added benefit of significantly increasing the level of tree planting within the site and this is to be welcomed from both an aesthetic view point as well as a biodiversity view point.

The specific types of tree and final landscaping design will be subject to a further submission through the reserved matters but at this stage, the indicative masterplan submitted shows significant additional tree planting which is appropriate for this land.

### Ecology

The County Ecologist has assessed the submitted ecological survey work and has undertaken a Biodiversity Impact Assessment (BIA). The biodiversity impact score varies between the applicant and County Ecologist, who has calculated a net biodiversity loss, which is contrary to NPPF.

The County Ecologist considers that the differences in calculations are mainly due to the identification and assessment of the areas of the site of existing and

proposed habitats and the type and form of proposed habitats. In terms of habitat creation and restoration for the site, the Ecologist considers that the time taken to create a good quality, fully functioning and established habitat also needs to be taken into consideration.

The Ecologist notes that a robust habitat management plan for the site, including details of habitat creation and any restoration, should be produced to accompany any subsequent reserved matters application to ensure proposed measures are achievable.

The County Ecologist considers the loss of Bio-diversity can potentially be offset through the design of the scheme at Reserved Matters stage subject to assurances that this will be implemented. If the subsequent reserved matters scheme satisfactorily mitigates the potentially loss, the County Ecologist does not oppose the development.

The Ecologist has also suggested a number of conditions to safeguard protected species and secure a suitable Construction and Environmental Management Plan; a Landscaping and Ecological Management Plan; tree protection measures; and a lighting scheme.

#### Impact on local services

The proposed development of up to 260 dwellings would create significant 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 contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 260 dwellings on this site would have a material impact on or need for affordable housing, education, open space, health care, sports facilities, drainage, monitoring costs, and rights of way, employment/training for locals and highway matters.

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, 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 current time, the following contributions requests have been received;

Sustainable Travel Packs - £19,500.  
Libraries - £5,691.  
Education and Learning - £2,209,322.  
Police - £64,473.

At the time of writing, further requests are currently outstanding regarding health care and sporting facilities. These will be provided within the update sheet.

### Provision of Allotments

The indicative Masterplan submitted shows an area of allotments to be provided to meet the requirements of the Local Plan together with advice provided by the District Council Open Space team. Following discussions with the Landscape Officer, the provision of allotments on the site would be considered to not be an appropriate landscape feature.

At the time of writing, the applicants are negotiating with the Open Space team to provide a contribution to the improvement of existing allotment areas within the vicinity of the site. The outcome of these discussions will be provided within the update sheet.

### **Conclusion**

The Local Plan was adopted on the 20 September which identifies the site as part of the strategic allocation for new housing development. The development is considered to comply with other current Local Plan policies and with the policies of the NPPF as a whole.

It has been concluded that the matters raised can be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities, and the provision of new infrastructure by way of financial contributions.

It is therefore concluded that the development should be granted subject to the signing a Section 106 Agreement.

### **CONDITIONS**

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

Country Planning Act 1990 (as amended).

- 3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later.  
**REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 No part of the development hereby permitted shall be commenced until a detailed access plan including details of the proposed alterations to the highway has been submitted to and approved in writing by the Local Planning Authority in consultation with the County Highways Department. Thereafter, the approved access shall be carried out in general accordance with the approved details prior to the first occupation of any dwellings constructed on the site. **REASON:** In the interest of highway safety and to ensure appropriate access is available for the future occupiers of the dwellings.
- 5 No development shall take place under any relevant phase of development until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
  - a. low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps.
  - b. the brightness of lights should be as low as legally possible.
  - c. lighting should be timed to provide some dark periods.
  - d. connections to areas important for foraging should contain unlit stretches.

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in strict accordance with those approved details.  
**REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029.
- 6 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied

until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

**REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy CC2 in the Warwick District Local Plan 2011-2029.

- 7 The development hereby permitted shall not commence until a Construction and 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 and notable species and subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy NE2 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 Local 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 the pond, wildflower grasslands; provision of habitat for protected species. The plan should also include details on soil management to make best use of the high quality soils on site -detailed guidance to inform this matter is available in Defra '*Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*'. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF.
- 9 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2005, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029

- 10 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented in strict accordance with the approved scheme. **REASON:** In the interests of fire safety.
- 11 The development hereby permitted shall not commence until: -
- 1(a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This must be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
    - A risk assessment to be undertaken relating to human health;
    - A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;
    - An appropriate gas risk assessment to be undertaken;
    - Refinement of the conceptual model;
    - The development of a method statement detailing the remediation requirements.
  - (b) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
  - (c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion and shall be approved in writing by the local planning authority prior to the remediation being carried out on the site.
2. All development of the site shall accord with the approved method statement.
  3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.
  4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. **REASON:** To safeguard health, safety and the environment in accordance with Policies NE4 and NE5 of the Warwick District Local Plan 2011-2029.

- 12 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. Post development runoff volumes and peak flow rates will be limited to the Greenfield discharge rate for all rainfall return periods up to and including the 100 year plus 30% (for climate change) as outlined within the Flood Risk Assessment. On-Site surface water attenuation will be provided to the 1:100 Climate change (30%) standard using Sustainable Urban Drainage Systems. The site drainage strategy will demonstrate the appropriate assessment and adoption of SUDS techniques. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies FW1, FW2 and NE4 of the Warwick District Local Plan 2011-2029.
- 13 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.
- 14 Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 15 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five

years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

- 16 An application for the approval of a construction phasing plan of the development shall be submitted before the expiry of three years from the date of this permission. The development shall hereafter be carried out in strict accordance with the phases established in the phasing plan as approved by the local planning authority. **REASON:** To ensure the proper phasing of the development.
- 17 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when mixed open space facilities will be incorporated into the development, to include informal open space, appropriate children's play facilities, outdoor sport facilities and allotment gardens. The scheme shall be implemented in strict accordance with the approved details and shall be retained thereafter. **REASON:** To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029.
- 18 The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites". **REASON:** To ensure that the housing meets the needs of the District as required by Local Plan Policy H4 of the Warwick District Local Plan 2011-2029 and the NPPF.
- 19 The development hereby permitted shall not commence until a scheme detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in strict accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 20 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has



been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for:

1. An appropriate site access provision for construction traffic.
2. The parking of vehicles of site operatives and visitors;
3. The loading and unloading of plant and materials;
4. The storage of plant and materials used in constructing the development;
5. The erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate;
6. 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;
7. Measures to control the emission of dust and dirt during construction;
8. A scheme for recycling / disposing of waste resulting from demolition and construction works.

The measures indicated within the Construction Management Plan shall be implemented prior to the commencement of the development and maintained for the duration of the works, unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029.

- 21 No development shall take place unless and until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF 2012.
- 22 Prior to the submission of any Reserved Matters applications for any phase of development:
  - a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work across this site shall be submitted to and approved in writing by the Local Planning Authority.
  - the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI is to be undertaken. A report detailing the results of this fieldwork is to be submitted to the Local

planning authority.

• An Archaeological Mitigation Strategy document shall be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation. Unless otherwise agreed with the Local Planning Authority, no development shall take place until any fieldwork detailed in the approved Archaeological Mitigation Strategy document has been completed to the satisfaction of the Local Planning Authority. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Mitigation Strategy document. REASON: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy HE6 of the Warwick District Local Plan 2011-2029.

23 No reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Masterplan for the approved development, which shall substantially be in accordance with the approved plans and documents listed above in condition 4 and the principles set out within the Council's approved document 'Garden Towns, Villages and Suburb: A Prospectus for Warwick District Council, May 2012' (and any subsequent revision and/or approved plans/strategy available at the time), and which shall also accord with the principles set out in the approved Site Wide Design Code. The Site Wide Master Plan shall include the following:

- Illustrative details of how the proposed layout of development has been designed with due regard to the surrounding urban and rural context
- Land form topography as existing and proposed
- Land use plan and character areas (including densities and building heights)
- Movement corridors within the site (including principal roads, public transport corridors, footpaths, cycleways and green corridors) and demonstrating how these relate to existing movement networks in the wider area
- Location of any areas for off-street car parking areas and courts
- Key infrastructure (including SUDs, significant utility provision,

schools, district/local centres)

- Landscape corridors and open space network
- Public open space
- Housing mix including tenure and size of dwelling
- Location of affordable housing
- Street tree planting and other structural planting landscape areas
- Hard and soft landscaping treatments
- Street lighting arrangements and any other lighting to public space
- A phasing plan including triggers for delivery of key elements of supporting infrastructure
- A statement establishing how the development proposals accord with the principles set out in the Site Wide Design Code.

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

- 24 No reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Design Code for the approved development. This Design Code shall be in accordance with the principles and parameters as set out within the DAS, the plans and documents listed in condition 4 above and "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012" (and any subsequent revision and/or approved plans/strategy available at the time).

The Design Code shall include the following matters:

- hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas)
- Development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);
- Building types

- Building heights
- The means to accommodate the parking of vehicles and cycles
- Sustainable Urban Drainage features
- Key spaces, open spaces and green features
- Architectural language and detailing
- Design principles for street tree planting and other structural planting landscaping areas
- Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long term management
- Design principles on waste disposal and recycling
- Design principles on the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures
- Design principles for street lighting and any other lighting to public space (including parking areas)
- The principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:1250
- A mechanism for periodic review and refinement if necessary of the approved Design Code

The Design Code shall then be used to inform the subsequent reserved matters applications.

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

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**Planning Committee:** 10 October 2017

**Item Number: 8**

**Application No:** [W 17 / 1104](#)

**Town/Parish Council:** Warwick

**Case Officer:** Rob Young

01926 456535 [rob.young@warwickdc.gov.uk](mailto:rob.young@warwickdc.gov.uk)

**Registration Date:** 09/06/17

**Expiry Date:** 08/09/17

**Plot 8001 - 8004, Tournament Fields, Stratford Road, Warwick**

Application for approval of reserved matters under outline planning permission no. W/13/0758 for the erection of 4 no. buildings to provide employment development for Use Classes B1, B2 and B8 purposes FOR Sackville Development (Warwick) Ltd

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

**RECOMMENDATION**

Planning Committee are recommended to APPROVE this reserved matters application, subject to conditions.

**DETAILS OF THE DEVELOPMENT**

This is a reserved matters submission under outline planning permission no. W13/0758. The plans show 4 separate buildings along the southern edge of the Tournament Fields site to be used for employment purposes falling within Use Classes B1, B2 or B8. These buildings would each have their own parking areas and service yards, surrounded by a 2.1m high palladin mesh fence.

The plots will be accessed off the estate road that is currently under construction linking to the Edgehill Drive roundabout. The proposals also include a balancing pond alongside the southern boundary. The development will cut into the edge and one end of the existing bund alongside the southern boundary.

The following amendments have been made since the original submission of this application:

- the bund alongside the southern boundary is now shown to be largely retained, whereas it was originally shown to be largely removed;
- relocation of the balancing pond to allow for the retention of the bund;
- relocation and reconfiguration of the proposed buildings and service yards to allow for the retention of the bund;
- provision of additional soft landscaping on the frontages of the plots;
- provision of additional tree planting alongside the boundary with The Peacocks;
- reconfiguration of layout to ensure that the development is clear of the 8m wide easement that the Environment Agency require alongside the adjacent watercourse; and

- noise assessment submitted.

## **THE SITE AND ITS LOCATION**

The application relates to vacant plots of land on the Tournament Fields employment site. These plots are situated on the southern edge of the development.

A hotel and residential properties adjoin the site to the south and east, while further vacant plots on Tournament Fields adjoin the site to the north. The A46 adjoins the site to the west. Tournament Fields contains a mix of offices, industrial and warehousing premises, together with a care home and ambulance station.

The site is largely flat, although there is a man-made bund with trees on top alongside the southern boundary. A watercourse runs along the southern boundary, with trees alongside.

## **PLANNING HISTORY**

Outline planning permission for Tournament Fields was renewed in 2013 (Ref. W13/0758). This was for "employment development for Use Classes B1, B2 and B8 purposes". The original outline permission had been granted in 1995 (Ref. W92/0291).

Since the original outline permission was granted, a number of reserved matters consents have been granted for offices and industrial / warehouse units on other plots on Tournament Fields. This includes a recent reserved matters consent for a research and development unit on land forming the western end of the current application site (Ref. W17/0168). However, this consent has not been implemented.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- EC1 - Directing New Employment Development (Warwick District Local Plan 2011-2029)
- EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029)
- TR4 - Parking (Warwick District Local Plan 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)

- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)

#### Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Employment Land Development Brief - Tournament Fields, Warwick (Prepared by Severn Trent Property)

### **SUMMARY OF REPRESENTATIONS**

**Town Council:** Make comments neither objecting to or supporting the application. Raise concerns regarding car parking and impact on the environment and residents close to the bund which is due to be removed. Also support residents objections and the conditions recommended by Environmental Health. The height of the proposed buildings is also a concern.

**Public response:** Objections have been received from 14 residents and from The Peacocks management company, raising the following concerns:

- no reduction in the bund alongside The Peacocks should be permitted, this was considered essential at the time of the original outline permission and remains so now;
- the service yards are too close to neighbouring dwellings;
- concerns about the height of the proposed buildings;
- the buildings will rise above the tree line, which is incomplete and needs finishing before any work starts;
- harm to the outlook from neighbouring dwellings;
- the trees do not provide screening during the winter months;
- increased traffic noise and emissions (detrimental to local air quality);
- increased traffic congestion;
- detrimental to highway safety;
- noise pollution;
- light pollution;
- loss of privacy;
- loss of light;
- loss of trees;
- any new tree planting will take years to provide an effective screen;
- ecological harm;
- harm to the rural landscape;
- concerns about increased run-off into the watercourse along the site boundary;
- increased flood risk for neighbouring dwellings;
- development alongside existing dwellings should be restricted to B1 use only;

- the proposed development falls outside of the scope of the outline permission and therefore a new outline application is required; and
- smells.

**Highways England:** No objection.

**WCC Highways:** No objection.

**WCC Ecology:** Make comments regarding a loss of biodiversity, but note that the principle of development has already been established by the outline permission. Recommend various conditions.

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

## **ASSESSMENT**

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

- the impact on the living conditions of nearby dwellings;
- the impact on the character and appearance of the area;
- car parking and highway safety; and
- health and wellbeing.

### **Impact on the living conditions of nearby dwellings**

In considering the impact on nearby dwellings, it is important to bear in mind that the site has outline planning permission for all forms of employment development, including research and development / light industrial (Use Class B1), general industrial (Use Class B2) and warehousing (Use Class B8) uses. As a result, the principle of accepting these types of development in this location has already been established.

In terms of issues relating to the detailed layout that is proposed in this reserved matters application, it is considered that the amendments that have been made by the applicant have satisfactorily addressed any concerns about the impact on nearby dwellings. This includes the retention of much of the existing bund and associated trees, which provide a good degree of screening from the adjacent dwellings in The Peacocks and Earls Meadow. The applicant has also proposed additional planting to reinforce this. Furthermore, a noise assessment has been submitted which demonstrates that, subject to appropriate conditions, the proposals will have an acceptable relationship with nearby dwellings from a noise perspective.

Environmental Health have accepted the conclusions of the noise assessment and have raised no objection, subject to various conditions. Therefore, subject to these conditions it has been concluded that the proposals would not cause unacceptable noise and disturbance for nearby dwellings or the adjacent hotel.

In terms of other impacts on nearby dwellings, the proposed buildings would be at least 38m from the boundary of the nearest dwellings. The buildings would also be at least 48m from the side or rear elevation of the nearest dwellings. Bearing in mind the presence of the landscaped bund in between, this is



considered to be far enough to ensure that the proposals would not have any significant implications in terms of loss of light, loss of outlook or loss of privacy.

All things considered, it has been concluded that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the adjacent hotel.

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

The design of each of the proposed buildings is in keeping with other recent developments on Tournament Fields. The design meets the requirements of the Development Brief for the site. Therefore it has been concluded that the proposals would have an acceptable impact on the character and appearance of the area.

Objectors have raised concerns about harm to the rural landscape. However, the site is situated on an allocated employment site within the urban area of Warwick and is separated from rural areas by surrounding urban development and road infrastructure. Therefore the proposals will not harm the rural landscape.

#### Car parking and highway safety

There has been no objection from the Highway Authority. Therefore the proposals are considered to be acceptable in terms of the impact on highway safety. Whilst residents have raised issues to do with traffic congestion and highway safety on surrounding roads, these matters were all considered in the assessment of the outline application which established the principle of this amount and type of development on the site. Therefore such matters cannot be reconsidered in the assessment of this reserved matters application.

With regard to parking, the proposed provision works out at 1 space per 40 sq m. This is in accordance with the Council's Parking Standards for high technology / light industrial development (1 space per 40 sq m), general industrial (1 space per 50 sq m) and warehousing (1 space per 80 sq m). Therefore the proposals are considered to be acceptable in terms of car parking.

#### Health and wellbeing

The proposals do not raise any significant implications for health and wellbeing.

#### Other matters

With regard to the comments of WCC Ecology, biodiversity and ecological impacts were dealt with under the outline planning permission. Therefore it is not possible to reconsider this issue as part of this reserved matters application.

With regard to the objectors' concerns about flood risk and drainage, these matters were also dealt with under the outline planning permission. Furthermore the applicant has confirmed that all surface water drainage from the proposed buildings will link into the existing Tournament Fields drainage system. No

surface water from the new buildings will be directed towards the water course alongside The Peacocks.

All existing trees are proposed to be retained.

Objectors have raised concerns about potential smells. However, Environmental Health have raised no objection in this regard, subject to a condition to require any chimneys or flues to be subject to a separate planning application.

With regard to the objectors' concerns about light pollution, a condition is recommended to require lighting details to be submitted for approval.

Objectors have suggested that the buildings alongside adjacent dwellings should be restricted to B1 use only. However, the whole site has outline planning permission for B1, B2 and B8 purposes, with no restrictions on where those uses can be located on the site. Therefore it is not possible to prohibit B2 or B8 uses in any of the units as part of this reserved matters application. Nevertheless, a condition is recommended to require the submission of a further noise assessment and noise mitigation measures if any of the units are to be used for B2 purposes.

### **SUMMARY / CONCLUSION**

The proposals will have an acceptable impact on the living conditions of nearby dwellings and on the character and appearance of the area. The proposals are also considered to be acceptable in terms of car parking and highway safety. Therefore it is recommended that this reserved matters application is approved.

### **CONDITIONS**

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 0003 Rev P-02, 0005 Rev P-00, 0103 Rev P-02, 0105 Rev P-01, 0203 Rev P-03, 0205 Rev P-00, 0301 Rev P-02, 0303 Rev P-02, 0304 Rev P-00 & 0305 Rev P-02, and specification contained therein, submitted on 9 June 2017, 19 June 2017 & 7 September 2017  
**REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 2 No development shall commence until details of finished site and ground floor levels in relation to existing site levels and the levels of adjoining land have been submitted to and approved by the Local Planning Authority. The development shall be carried out and completed in accordance with the details so approved. **REASON** : To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local

planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the 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 similar size and species. 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 & NE4 of the Warwick District Local Plan 2011-2029.

- 4 No development shall commence until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 5 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all retained tree(s) on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy NE4 of the

- 6 All existing trees shall be retained and shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(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 & NE4 of the Warwick District Local Plan 2011-2029.
- 7 Notwithstanding the details indicated on the approved plans, the development hereby permitted shall not be occupied until details of boundary treatment have been submitted to and approved in writing by the local planning authority. No boundary treatment shall be installed other than in strict accordance with the details approved under this condition. **REASON :** To ensure a satisfactory standard of design and appearance for the development, in accordance with Policy BE1 of the Warwick District Local Plan.
- 8 The development hereby permitted shall not be occupied until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The approved Low Emission Strategy shall be implemented in strict accordance with the approved details and shall remain in force at all times thereafter. **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 aims and objectives of national guidance within the NPPF 2012.
- 9 The premises 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 & TR4 of the Warwick District Local Plan 2011-2029.
- 10 None of the premises hereby permitted shall be occupied unless and until cycle parking has been provided in accordance with details that shall have been submitted to and approved in writing by the local planning authority. The cycle parking shall be retained at all times thereafter. **REASON:** To ensure adequate cycle parking facilities, in accordance with Policy TR4 of the Warwick District Local Plan 2011-2029.

- 11 None of the units hereby permitted shall be used for purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987 unless:

(a) a noise assessment (including details of noise mitigation measures if deemed appropriate) has been submitted to and approved in writing by the local planning authority; and  
(b) any noise mitigation measures approved under (a) have been implemented in strict accordance with the approved details.

Any noise mitigation measures shall thereafter be retained and maintained in strict accordance with the approved details at all times that the unit is used for purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987.

**REASON :** To protect the living conditions of the nearby dwellings and hotel, in accordance with Policies BE3 & NE5 of the Warwick District Local Plan.

- 12 Except in the event of an emergency, all shutter/loading doors shall be kept closed before 0700 hours or after 1900 hours on any day.

**REASON :** To protect the living conditions of the nearby dwellings and hotel, in accordance with Policies BE3 & NE5 of the Warwick District Local Plan.

- 13 No noisy external activities (including deliveries in or outgoing) likely to cause nuisance to nearby residences shall take place on site before 0700 hours or after 1900 hours on Monday to Saturday or before 0900 hours or after 1800 hours on a Sunday or Bank / Public Holiday.

**REASON:** To protect the amenities of occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 14 Noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 15 The development shall be carried out in strict accordance with the Construction and Environmental Management Plan by Benniman Construction Group that was submitted on 28 July 2017. **REASON :** To protect the amenities of occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 16 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 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. **REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 17 No chimneys or flues shall be installed on any of the premises hereby permitted other than in strict accordance with details that shall have been submitted to and approved in writing by the local planning authority. **REASON :** To protect the living conditions of nearby dwellings, in accordance with Policy NE5 of the Warwick District Local Plan.
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**Application No:** [W 17 / 1402](#)

**Town/Parish Council:** Cubbington

**Case Officer:** Rebecca Compton

01926 456544 [rebecca.compton@warwickdc.gov.uk](mailto:rebecca.compton@warwickdc.gov.uk)

**Registration Date:** 02/08/17

**Expiry Date:** 27/09/17

**94 Stirling Avenue, Cubbington, Leamington Spa, CV32 7HS**

Erection of a single storey rear extension, single storey front extension, replace the roof over the existing side extension with two roof lanterns and render to entire property. FOR Mr Penrice

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The application proposes to render the entire property, a single storey rear extension, a single storey front extension and the replacement of the roof over the existing side extension to a flat roof with two roof lanterns. The proposal originally included a hip to gable roof extension and rear box dormer which have since been removed.

**THE SITE AND ITS LOCATION**

The application property is a two storey dwelling which is one of a pair of semi-detached dwellings with hipped roofs. The property is located on the junction where Kelvin Roads meets Stirling Avenue, Leamington Spa.

**PLANNING HISTORY**

No relevant planning history.

**RELEVANT POLICIES**

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)

- TR4 - Parking (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)

#### Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- The 45 Degree Guideline (Supplementary Planning Guidance)

### **SUMMARY OF REPRESENTATIONS**

**Cubbington Parish Council:** Object as the proposal is not in keeping with the street scene.

**WCC Ecology:** Recommend bat survey.

**Public response:** Two letters of objection have been received from neighbouring residents with concerns over the hip to gable roof extension and the conversion of the existing store to living accommodation.

### **Assessment**

#### Design

The proposed single storey rear extension is considered acceptable in terms of design and scale. The proposed front extension is considered acceptable as there are a number of front extensions within the street scene and there is no strong building line.

The property currently benefits from a large side extension which is currently used as a store and runs along the boundary between the application property and no.111 Kelvin Road. The proposal seeks to convert the store into living accommodation which in itself does not require planning permission. The roof will be replaced with a flat roof however the overall height of the roof will not be increased, the addition of two roof lanterns is also considered acceptable.

The use of render on the property is considered acceptable as there are a number of examples of render in the immediate street scene with one property opposite the site being fully rendered. The proposal is therefore considered to comply with local plan Policy BE1.

#### The impact on the living conditions of the occupiers of the neighbouring properties

The single storey rear extension will breach the 45° line, however, as it is 3m in depth, this element of the proposal would otherwise be permitted development under the Government's impact based permitted development rights if it were amended to not be attached to the existing store. On the basis of this scenario which would present a 3 metre wall along the boundary with the neighbour, the



impact of the proposed extension would not warrant the refusal of planning permission in this particular case.

Two objections have been received from neighbouring residents with concerns over the hip to gable extension that was originally applied for and loss of privacy caused by the conversion of the store.

Since receiving these objections the hip to gable roof extension has been removed from the proposal.

Whilst I acknowledge the concerns from the neighbouring residents regarding the conversion of the store, given that this could be converted without planning permission a refusal on this basis is not considered justifiable. In addition there will be no increase in the overall height of the building so there will be no further impact on loss of light than what currently exists; the proposed roof lanterns will not impact upon the amenity of neighbouring properties.

It is therefore considered that the proposal complies with local plan Policy BE3.

#### Parking

The proposed development will not affect the current driveway parking; therefore it is considered that the proposal has sufficient provision for off-street parking for 2 cars, in accordance with Vehicle Parking Standards SPD.

#### Ecology

The County Ecologist has recommended that a preliminary bat survey is required prior to the determination of the application. I have considered this request and note that the existing dwelling is located within a built up area with other dwellings in close proximity to the dwelling.

On this basis, I do not consider that it is appropriate or practicable to request a bat survey be submitted. In coming to this conclusion, I am mindful of location of the property, the characteristics of the local area and the fact that bats are a protected species under separate legislation and a duty of care by the applicants to ensure protected species are not harmed by the proposal.

On the basis of the above, I consider that the imposition of an explanatory note regarding the applicant's responsibility with regard to protected species is sufficient in this case.

#### **Summary/Conclusion**

In conclusion it is considered the proposal is of an acceptable design and scale and whilst I acknowledge the concern of the neighbouring residents, I am satisfied that it will not result in sufficient negative impact upon the amenity of the neighbouring properties to warrant the refusal of the application.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
  - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 3595-02J, and specification contained therein, submitted on 26/09/2017. REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
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**Planning Committee:** 10 October 2017

**Item Number: 10**

**Application No:** [W 17 / 1517](#)

**Town/Parish Council:** Lapworth  
**Case Officer:** Dan Charles

**Registration Date:** 17/08/17

**Expiry Date:** 12/10/17

01926 456527 dan.charles@warwickdc.gov.uk

**The Grove, Rising Lane, Lapworth, Solihull, B94 6JB**

Demolition of existing dwelling and erection of replacement dwelling and associated works. FOR Mr Mark Rogers and Ms Ros Deacon

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

**RECOMMENDATION**

That planning permission is GRANTED subject to conditions.

**DETAILS OF THE DEVELOPMENT**

The proposal seeks the demolition of the existing dwelling and the erection of a replacement dwelling.

The proposed dwelling is two storey with rooms in the roof space served by a dormer window to the rear roof slope.

The proposed dwelling has a gross footprint of 201m<sup>2</sup> and an overall floorspace of 393m<sup>2</sup> over 3 floors. The overall height to eaves is 5.1m with an overall ridge height of 9.4m.

**THE SITE AND ITS LOCATION**

The existing dwelling is located roughly centrally on a spacious plot accessed from a long access drive connecting the site to the public highway.

A public right of way runs adjacent to the side and rear of the plot.

The nearest neighbours are to the south east adjacent to the access with the public highway and to the north. Both of these dwellings are a substantial distance from the site of the proposed replacement dwelling.

The site is well screened with mature hedges and trees to the boundary and the gardens consist of well kept lawns and mature planting.

The existing dwelling is a two storey dwelling house with a detached garage to the front of the plot nearest to the access point.

The site is outside the defined settlement boundary of Lapworth so is classified as an open countryside location.

The site lies within the West Midlands Green Belt.

### **PLANNING HISTORY**

No previous planning history.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- DS19 - Green Belt (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029)
- TR4 - Parking (Warwick District Local Plan 2011-2029)
- H13 - Replacement Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)

#### Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)

### **SUMMARY OF REPRESENTATIONS**

**Lapworth Parish Council:** Objection, height impact and over development in the Green Belt.

**WCC Ecology:** Recommend the imposition of conditions and explanatory notes regarding protected species.

### **Principle of development**

Policy H13 of the Local Plan states that the one for one replacement of an existing dwelling in a rural area is acceptable where the existing dwelling is structurally unsound or is of poor architectural design and does not add to the rural character of the area. The policy also states that the replacement dwelling must not be materially larger than the existing dwelling and not have a greater impact on the character and openness of the area.

As the site lies within the West Midlands Green Belt, the proposal must also be assessed against Policy DS19 that states development must be in accordance with the NPPF Green Belt provisions. Paragraph 89 states that replacement

dwelling's area appropriate development within the Green Belt where the new building is in the same use and not materially larger than the one it replaces.

The existing dwelling is of no particular architectural merit and its siting means it is not a prominent feature in the landscape. In this respect, Officers are satisfied that the proposal accords with the requirements of Policy H13.

In assessing the proposal for the new dwelling, the standard assessment for determining whether a building is materially larger is an assessment of the floorspace of the existing and proposed buildings.

The existing dwelling on the site is two storey and has an existing gross floorspace of 401m<sup>2</sup>. The proposed replacement dwelling is two and a half storey and has an overall floor space of 393m<sup>2</sup>. Therefore, in floorspace terms, the proposed dwelling is marginally smaller.

Officers are satisfied that the development is acceptable in principle subject to an assessment of the site specific matters.

### **Impact on the openness of the Green Belt**

Whilst the development is considered to be appropriate development within the Green Belt, an assessment of the impact on the openness of the Green Belt is also required.

The overall footprint of the dwelling has been reduced by approximately 50m<sup>2</sup> but the overall height has increased from 6.6m to 9.4m. This equates to a fairly substantial increase in height of 2.8m.

In assessing the impact, Officers are satisfied that as a result of the relative design and massing of the existing and proposed dwellings, the decreased footprint balances the increase in height in this location and the proposal does not represent a development that is harmful to the openness of the Green Belt.

### **Impact on character of surrounding area**

The proposed dwelling would sit centrally on the mature plot and a high level of new landscaping is proposed. The site is subject to distance views from the public highway and the existing dwelling is of little merit in the street scene. The proposed new dwelling would have the side elevation visible from the public highway compared the wide, rear elevation of the existing dwelling, Officers are satisfied that the proposed dwelling would be less visually prominent from the public domain.

The design of the proposed is high quality and subject to the use of appropriate materials, the dwelling is not considered to result in any demonstrable harm to the character or amenity of the local area.

## **Impact on adjacent properties**

The proposed dwelling is located centrally on the plot which is well away from the neighbouring properties. The proposed development is therefore considered to not result in any demonstrable harm to neighbouring amenity.

## **Access and Parking**

The proposed dwelling is to be relocated further from the existing access point to allow an improved parking and turning area to be provided within the site. The site contains sufficient parking and manoeuvring space within the site to allow vehicles to enter, park and exit the site in a forward gear.

Officers are satisfied that the proposal represents an improvement to highway safety.

## **Other Matters**

### Trees and Hedgerows

The proposed dwelling is located fairly centrally on the site. However, as the site is bounded by existing hedges that are interspersed with trees, it is considered appropriate to impose a condition to provide hedge and tree protection measures to be installed prior to the commencement of any works in accordance with BS5837:2005.

### Ecology

The County Ecologist has assessed the submitted ecological statements and surveys and raises no objection subject to conditions and notes regarding protected species.

## **Conclusion**

The principle of development is acceptable having regard to Policies DS19 and H13 of the Local Plan and the scheme is considered to be appropriate development within the Green Belt. The proposed replacement dwelling is considered acceptable in terms of the impact on the openness of the Green Belt, the impact on the character and amenity of the local area, the impact on the amenity of neighbouring properties and the impact on highway safety. Conditions are proposed to mitigate against any harm to protected species.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and

approved drawing(s) 1710-PL 01A, 1710-PL 02A, 1710-PL 03 and 1710-PL 04A, and specification contained therein, submitted on 14 August 2017. 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 shall be carried out only in strict accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. REASON: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
  - 4 The development hereby permitted (including ground clearance works) shall not commence until a protected species method statement for bats, reptiles, amphibians and nesting birds (to include timing of works, supervision of particular works to the buildings and grounds and reasonable avoidance measures) has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full. REASON: To ensure that protected species are not harmed by the development
  - 5 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. REASON: To protect trees and other features on site during construction.
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**Planning Committee:** 10 October 2017

**Item Number: 11**

**Application No:** [W 17 / 1525](#)

**Town/Parish Council:** Blackdown  
**Case Officer:** Emma Spandley  
01926 456539 emma.spandley@warwickdc.gov.uk

**Registration Date:** 21/08/17  
**Expiry Date:** 16/10/17

**Chesford Bridge House, Bericote Road, Blackdown, Leamington Spa,  
CV32 6QP**

Application for removal of condition No. 4 (Removal of permitted development rights) of planning reference W/13/0376 (Erection of a single storey side extension and erection of a detached outbuilding.), granted 30th May 2013. FOR  
Mr V Tara

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

**RECOMMENDATION**

Planning Committee are recommended to GRANT the removal of Condition 4 attached to planning application reference - W/13/0376.

**DETAILS OF THE DEVELOPMENT**

The application proposes the removal of Condition 4, which removed the permitted development rights, of planning permission no. W/13/0376.

**THE SITE AND ITS LOCATION**

The application property is large detached dwelling located on the south side of Bericote Road. The site is located within the West Midlands Green Belt. The existing driveway is located to the West of the main house and sweeps to the east.

**PLANNING HISTORY**

In May 2013 planning permission was granted for the erection of a single storey side extension and erection of a detached outbuilding (Ref: W/13/0376). Condition 4 stated as follows:

*"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Part 1 (Classes A, B, D and E) of Schedule 2 of this Order, without the prior permission of the Local Planning Authority. **REASON:** Due to the site being located within the Green Belt it is considered appropriate for the Local Planning Authority to retain control over future development in the interests of*



*the openness of the Green Belt in accordance with Policy RAP2 of the Warwick District Local Plan 1996 - 2011."*

## **RELEVANT POLICIES**

- National Planning Policy Framework
- DS19 - Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

## **SUMMARY OF REPRESENTATIONS**

**Old Milverton and Blackdown Joint Parish Council:** Objection. The Parish Council is aware of the steady erosion of the narrow band of Green Belt North of Leamington and in particular the Blackdown area. That erosion has continued, mostly owing to permitted development, commercial expansion and the assumption of Very Special Circumstances.

The narrow strip of Green Belt serves to separate Kenilworth from Leamington. The valued setting of this open Green Belt area, close to Ashow on the East and Hill Wooton to the West is defined by and contained within a large bend/loop in the course of the River Avon. It would be inappropriate to compare this area with other Green Belt areas which may have the same condition applied.

In the very recent Planning Inspection of the Warwickshire Local Plan the Planning Inspector, laid much emphasis on the need to retain open space, and prevent coalescence. If development took place in this location which fulfils all 5 reasons to justify Green Belt status, then open space would be consumed and lead to further coalescence between Kenilworth and Leamington.

The District Council was correct in maintaining control of development in the open space offered by this crucial Green Belt area and as the need is significantly greater now, Condition 4 of planning permission should remain.

Any future application should be judged on its own merits and not by way of removal of Condition 4.

## **ASSESSMENT**

The main issue relevant to the consideration of this application is whether the planning condition relating to the removal of Permitted Development rights (condition 4) is reasonable and would pass the "6 tests" set out within the NPPF, as set out below.

The main powers relating to local planning authority use of conditions are in sections 70, 72, 73, 73A, and Schedule 5 of the Town and Country Planning Act 1990.

Section 70(1)(a) of the Act enables the local planning authority in granting planning permission to impose "such conditions as they think fit". This power must be interpreted in light of material factors such as the National Planning

Policy Framework (NPPF), the National Planning Policy Guidance (NPPG), and relevant case law.

Paragraph 203 of the National Planning Policy Framework states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions"

Paragraph 206 of the National Planning Policy Framework states "Planning conditions should only be imposed where they are:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects."
- 7.

The policy requirement above is referred to in this guidance as the 6 tests. The NPPG states '*conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances*'.

The dwelling is set within extensive grounds, which is not uncommon within the Green Belt. The Council's original concern related to uncontrolled development within the Green Belt and in particular the construction of extensions and outbuildings. A Local Authority must have strong justification for removing permitted development rights.

Local and national policies seek to protect the openness of the Green Belt, the NPPF paragraph 89 and 90 sets out the exceptions to inappropriate development within the Green Belt and extensions and alterations to dwellings are not considered to be inappropriate development as long as they are not disproportionate. Policy H14 of the Warwick District Local Plan 2011-2029 sets out what the District Council considers to be disproportionate.

Recent appeal decisions have determined that removing Permitted Development Rights within the Green Belt is neither reasonable nor necessary in the interests of protecting the openness of the Green Belt and as such fail the tests set out in paragraph 206 of the NPPF. Further, if properties in the Green Belt were to be restricted on the amount of development which could be undertaken without formal planning permission, i.e. under permitted development, then properties in the Green Belt would be specifically excluded from the relevant permitted development rights provided under the Permitted Development Order.

However, as the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended places no restrictions on permitted development rights in the Green Belt, as it does with other designated areas such as National Parks, the removal of condition 4, in this instance is considered to be acceptable.

## **CONDITIONS**

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan 1324/P102 and site plan 1324/P101 submitted on 30th May 2013 and approved drawings No.1382/05; 1382/06; 1382/07; 1382/08b; 1382/09A &1382/11A and specification contained therein, submitted on 20TH March 2013. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
  - 2 No facing and roofing materials shall be used other than materials similar in appearance to those used in the construction of the exterior of the existing building. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
  - 3 The single storey side extension, shown as an independent annexe on drawing No.1382/08b & 1382/09A hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Chesford Bridge House and shall only be occupied by members of the family occupying Chesford Bridge House and shall not be used as a separate dwelling. **REASON:** : The site is located within the Green Belt and the local planning authority considered it appropriate to retain control of development in the interests of the openness within the Green Belt in accordance with Policy RAP2 of the Warwick District Local Plan 1996 - 2011.
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**Planning Committee:** 10 October 2017

**Item Number: 12**

**Reference No:** TPO 520

**Town/Parish Council:** Barford  
**Case Officer:** Rajinder Lalli

**Registration Date:** N/A  
**Expiry Date:** N/A

4 & 5a Carter Drive, Barford, CV35 8ET  
Confirmation of Provisional Tree Preservation Order relating to a group of 5 Silver Birch Trees

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This Tree Preservation Order (TPO) is being presented to Committee because objections have been received to it being confirmed

### **RECOMMENDATION**

Planning Committee is recommended to authorise officers to confirm TPO 520 without modification.

### **BACKGROUND**

A notification was received to fell three Silver Birch Trees to the front of 4 Carter Drive on the 14<sup>th</sup> June 2017. The reason given by the tree surgeon, for felling was that a planning application has been approved which shows that the trees will be removed. This was not, in fact the case, as the retention of the trees had been secured as part of the consideration of the planning application and was reflected in the approved plans. During the assessment of the trees in question a further 2 silver birches were identified which were considered to merit protection through the making of a TPO.

### **OBJECTIONS**

The Council have received 1 letter of objection to the making of the Order. In summary the objections are:-

1. The Council allowed the felling of a Leylandi Cypress and Oak in Carter Drive (W/16/2190/TCA)
2. After the felling of three Silver Birches the two that remain are foremost trees that border the Highway so would continue to soften the landscape.
3. The trees are only visible by immediate neighbours and the property owner from the Highway
4. Carter Drive is not a through road so there is limited public amenity.
5. Do not consider the trees have significant Amenity

## **KEY ISSUES**

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

## **ASSESSMENT**

The Silver Birch Trees are located to the front of 4 & 5a Carter Drive.

The trees are considered to be of significant amenity value within the surrounding area meriting the confirmation of this Tree Preservation Order.

In response to the objections raised:-

The Council did allow the felling of a Leylandi Cypress as it is not generally considered that this species merits protection. The Oak tree was diseased and for that reason not considered to merit protection.

The group of five Silver Birches the subject of this Order are considered to form a cohesive group that adds to the character of the area therefore the loss of any of them without sufficient justification is not considered to be appropriate.

Whilst Carter Road is a no through road which ends at 8 Carter Drive, the trees nevertheless remain of significant amenity value within the surrounding area.

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

## **SUMMARY/CONCLUSION**

It is not considered the issues raised in objection to the TPO are sufficient to outweigh the significant amenity contribution which the trees make to their surrounding area and therefore it is expedient to confirm this TPO.

**Planning Committee:** 10 October 2017

**Item Number: 13**

**Application No:** TPO 534

**Town/Parish Council:** Kenilworth  
**Case Officer:** Rajinder Lalli

**Registration Date:** N/A  
**Expiry Date:** N/A

North Side of Rouncil Lane, Kenilworth  
Confirmation of Provisional Tree Preservation Order relating to Group of Oak, Ash  
and Sycamore Trees  
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This Tree Preservation Order (TPO) is being presented to Committee because objections have been received to it being confirmed.

### **RECOMMENDATION**

Planning Committee is recommended to authorise officers to confirm TPO 534 without modification.

### **BACKGROUND**

A notification was received that several trees were to be felled along Rouncil Lane on the 14<sup>th</sup> August 2017.

The trees in question formed part of a group of approximately 160 trees along Rouncil Lane in the open countryside comprising a belt some 15 metres deep. Whilst they were not located within a Conservation Area, their potential amenity value was noted and an assessment of whether they merited protection by means of a Tree Preservation Order was undertaken.

A Provisional Tree Preservation Order was made 21<sup>st</sup> August 2017.

### **OBJECTIONS**

The Council have received 3 emails objecting to the confirming of the Order. In summary the objections are:-

1. The owner and tenant are constrained by the terms of their insurance policy to ensure the trees are adequately maintained
2. The Provisional TPO was issued as the Council was ill informed that the whole belt of trees was being removed. A report had already been commissioned for the maintenance of the trees
3. There are trees overhanging Rouncil Lane which require maintenance

4. The work proposed is thinning of the belt of trees as the trees are beginning to decline. The trees will be surveyed to ensure there is no wildlife habitat within them before removal.
5. An application has been made to the Forestry Commission for the removal of 50 Oaks.

## **KEY ISSUES**

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

## **ASSESSMENT**

The extensive belt of trees is located to the North Side of Rouncil Lane between Rouncil Farm and Rounds Hill Farm, Kenilworth.

The belt of mature oak trees, which is up to 15 m deep in places, contains the occasional ash tree and some hawthorn that provide lower level screening as an understorey. The trees form a more or less even-aged shelterbelt, suggesting a common planting date, and their girth suggests that they are comfortably in excess of 100 years old.

Within the wider landscape, the continuous shelterbelt at the roadside included within the Order provides a tree screen as the boundary to agricultural fields providing significant public amenity as well as significant habitat. Trees that border another adjacent field are more widely spaced, but they are equally important in the landscape and as part of the habitat.

The shelterbelt mirrors the planting on the other side of the road and helps to form a visual and wildlife corridor along this length of Rouncil Lane, and provides extensive mature tree cover on either side of the highway. It is visually a tremendously important line of tree planting and helps to soften the local environment.

The amenity and arboricultural benefits provided to the local environment by large, mature trees, especially locally native trees such as this line of oaks, are disproportionately higher than the benefits offered by small, young trees. The benefits include shade, landscape value, wildlife habitat, air cooling, control of storm water run-off and so on. As such the trees are considered to be of significant amenity value in the local landscape.

In response to the objections raised, the effect of the TPO is to bring future work to the trees under the Council's control. It will not prevent appropriate work to be carried out to maintain or remove the trees. The owners are still able to make an application to fell trees but will need to provide professional justification to warrant any such work.

Further, the Council understands that an application for a Felling Licence has been made to the Forestry Commission but this has not yet been approved.

Whilst the Council accepts that work is required to maintain the belt of trees, none of the objections have provided any information to suggest that the trees do not provide significant amenity value or that the effects of making the TPO are sufficient to outweigh those impacts.

### **SUMMARY/CONCLUSION**

It is not considered that the issues raised in objection to the TPO are sufficient to outweigh the significant amenity contribution which the trees make to their surrounding area and therefore it is considered to be expedient to confirm this TPO.