

Planning Committee

Tuesday 21 June 2016

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 21 June 2016 at 6.00pm.

Councillor Cooke (Chairman)

Councillor Ashford (Vice Chairman)

Councillor Boad

Councillor Mrs Knight

Councillor Mrs Bunker

Councillor Morris

Councillor Day

Councillor Mrs Stevens

Councillor Mrs Falp

Councillor Weed

Councillor Mrs Hill

Emergency Procedure

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

Agenda

Part A – General

1. Apologies and Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee of 24 May 2016.

(To follow)

Part B – Planning Applications

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

- | | | |
|-----|-------------------------------------------------------------------------------------------------------------------|------------------------|
| 5. | W/16/0356 – Tollgate House, Banbury Road, Bishop's Tachbrook | (Pages 1 to 11) |
| 6. | W/16/0527 – Cafeteria, Victoria Park, Archery Road, Royal Leamington Spa | (Pages 1 to 7) |
| 7. | W/16/0603 – Land East of Radford Semele, North of Southam Road, Radford Semele
** Major Application ** | (Pages 1 to 8) |
| 8. | W/16/0609 – 12-17 Talisman Square, Kenilworth | (Pages 1 to 8) |
| 9. | W/16/0636 – Hamelin, Coventry Road, Baginton | (Pages 1 to 8) |
| 10. | W/16/0646 – Land adjacent 10 Southfield Drive, Kenilworth | (Pages 1 to 13) |
| 11. | W/16/0861 – The Willows, Wolverton Road, Norton Lindsey | (Pages 1 to 9) |
| 12. | W/15/1871 – 39 High Street, Kenilworth | (Pages 1 to 11) |

Part C – Other matters

- | | | |
|-----|--------------------------------------------------------------------------------------------------|-----------------------|
| 13. | Certificate of Appropriate Alternative Development: Land at 3 Hodgetts Lane, Burton Green | (Pages 1 to 7) |
| 14. | Appeals Report | (To follow) |
| 15. | Annual Review of WDC Conservation Advisory Forum (CAF) | (Pages 1 to 7) |

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, anytime after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note, that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public - Have registered to address the Committee.
- (e) occasionally items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's web site, and where possible, the applicant and all registered speakers (where applicable) will be notified via telephone.

Published Monday 13 June 2016

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

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

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

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

planningcommittee@warwickdc.gov.uk

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

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

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

Planning Committee: 21 June 2016

Item Number: 5

Application No: [W 16 / 0356](#)

Town/Parish Council: Bishops Tachbrook

Case Officer: Jo Hogarth

01926 456534 jo.hogarth@warwickdc.gov.uk

Registration Date: 15/04/16

Expiry Date: 10/06/16

**Tollgate House, Banbury Road, Bishops Tachbrook, Leamington Spa,
CV33 9QJ**

Replacement of Tollgate House and The Bungalow with 6 new dwellings, 2 of which are affordable. FOR Guide Dogs for the Blind Association

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal is for an outline planning application for six dwellings following the demolition of the two buildings that exist on site with access being considered as part of the application. All other matters - appearance, landscaping, layout and scale are reserved. Two of the dwellings would be affordable units.

THE SITE AND ITS LOCATION

The application site is in a rural location, outside the designated Green Belt, to the south-east of the built up area of Warwick/Leamington. The site is accessed off Banbury Road, and is bounded to the south by an access road to Tollgate Farm, and with farm land to the north, east and south. The buildings on the site comprise of the previous main HQ building for the Guide Dogs Association (GDBA) and a bungalow extending in an area of 1.3 hectares in size. These two building have been empty since the GDBA moved into their new headquarters on the adjacent land and were previously used for offices and staff accommodation before securing a change of use to residential use in 2012.

PLANNING HISTORY

In 2009 (ref: W/09/0644) planning permission was granted for the construction of a new GDBA Headquarters on the site south of the application site. This has been completed with the previously used buildings remaining vacant.

In 2012 (ref: W/12/0650) planning permission was granted for a renewal of permission for the refurbishment and change of use of Tollgate House and the adjacent bungalow into residential use from offices.

In 2012 (ref: W/12/1221) outline planning permission was granted for the erection of six dwellings, with two being affordable. This was a planning committee item.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Open Space (Supplementary Planning Document - June 2009)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Affordable Housing (Supplementary Planning Document - January 2008)

SUMMARY OF REPRESENTATIONS

Bishops Tachbrook Parish Council: No objection subject to a condition that provides a pedestrian footpath using PRow112 to the M40 bridge and to the end of the footpath leading to the new Bloors development.

Severn Trent: No objection subject to a condition on drainage plans for the disposal of surface water and foul sewage.

Fire Officer: No objection subject to a condition relating to the provision of adequate water supplies and fire hydrants.

WCC Ecology: No objection subject to a condition on further bat surveys and a badger check is to be undertaken which can be secured by condition together with standard notes on nesting birds and Great Crested Newts.

WCC Landscape: No objection.

WCC Archaeology: No objection subject to a condition on a written scheme of investigation, archaeological programme and mitigation strategy.

WCC Highways: No objection subject to conditions on visibility splays and no structure, tree or shrub exceeding a height of 0.6m within the splays.

WDC Housing Strategy: No objection, two units have been accepted previously and Housing Strategy are content that this commitment is sufficient.

WDC Green Space: No objection subject to provision of open space contributions.

Tree Officer: No objection.

ASSESSMENT

It is considered that the main issues relating to this proposal to be as follows:

- Principle of development
- Access
- Renewables
- Other matters
- Health and wellbeing

Principle of development

It is considered that there have been no changes in site circumstances since the previous approval in 2012. The proposed development is contrary to Policy RAP1 of the Local Plan by virtue of its nature and rural location. However, the NPPF states (para 49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply. Accordingly, only limited weight can be afforded to Policy RAP1.

In these circumstances, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF. This states (para. 54) that in rural areas local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing. It also requires local planning authorities to consider whether allowing some market housing would facilitate the provision of significant additional housing to meet local needs. The latest housing needs survey for Bishops Tachbrook was undertaken, albeit, in 2009 and identified the need for 11 affordable dwellings. The proposal provides two affordable units in accordance with Policy SC11 and this is a clear benefit of the scheme to be secured by a Unilateral Undertaking (UU). A UU was submitted with the application and this is being dealt with by the Council's legal team. It has yet to be signed and agreed, but is currently being worked on.

A further material consideration relates to the existing lawful residential use of the land. The overall floor area of the existing two buildings on the site equates to 848 square metres and the applicant proposes that the floorspace of the proposed dwellings will not exceed that amount. In view of the previous grant of planning permission and the absence of any significant intensification of the use of the land, the principle of development is therefore considered to be in accordance with the NPPF having regard to the material considerations in these specific circumstances.

Access

Access to the site is to be considered as part of this application, and no objection is raised by the County Council as Highways Authority the visibility splays which currently exist are acceptable in serving the proposed development. As such this element of the application is considered acceptable with no conflict with the objectives of Policy DP6 in the Local Plan. It is not considered that any additional traffic generation from the proposal would be significant to warrant refusal of permission.

Renewables

The applicant proposes to incorporate the use of solar thermal panels to provide 10% of the predicted energy requirement of each of the new dwellings. An energy statement has been submitted which demonstrates that this is achievable and therefore, subject to a condition it is considered that this is acceptable and meets the requirements set out in the Council's adopted 'Sustainable Buildings Statement' and the criteria within Policy DP13 in the Local Plan.

Other matters

With regard to the impact on neighbours and the character of the surrounding area, this will be assessed as part of the Reserved Matters application. A block layout plan has been submitted; however this is indicative only and demonstrates that six dwellings can adequately be accommodated within the site with necessary parking and bin storage without causing harm to the amenity of nearby dwellings.

In relation to drainage, Severn Trent have raised no objection subject to a condition relating to the submission of drainage details which is also considered to be acceptable.

In relation to potential noise nuisance from the adjoining Farm, the existing lawful use of the land is residential. The Environmental Health Officer did not object to the previous (identical) proposal, subject to noise monitoring and mitigation as appropriate which can be secured by condition and addressed at the reserved matters stage. Other environmental issues, in relation to ecology, archaeology and contamination, can all be addressed by condition and it is considered appropriate to attach the previous conditions.

A contribution towards off site open space is not considered reasonable as this was not attached on the previous application and the site circumstances have not changed. This approach was taken in the previous determination when public open space contributions were requested.

The request by the Parish Council is noted, however, there is no requirement for the public footpath to be created and extended to meet with the Bloors development as this is outside of the applicant's ownership and it is considered unreasonable. As such a condition requiring this to be carried out has not been attached.

Health and wellbeing

The benefits of this scheme are the provision of affordable units within a rural area which would allow a greater choice for local people in where they live.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, as there have been no changes in circumstances since the previous approval, the proposed development would not result in adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF, or cause unacceptable harm to access. The proposal is therefore considered to comply with the policies listed.

CONDITIONS

- 1 This permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-
 - (a) the layout,
 - (b) scale
 - (c) appearance and,
 - (b) details of landscaping.

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

- 2 In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be

made to the District Planning Authority not later than the expiration of three years beginning with the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990.

- 3 The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. **REASON :** To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 4 The development hereby permitted shall be carried out strictly in accordance with the details shown on the submitted drawing 03 and specification contained therein, submitted on 15 April 2016, as amended by any reserved matters approval, unless first agreed otherwise in writing by the District Planning Authority. **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.
- 5 Details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON :** To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policy DP11 of the Warwick District Local Plan 1996-2011.
- 6 Prior to commencement of the development hereby approved, details of a porous surface treatment for the drive or where a non-porous surface treatment is proposed, details of the provision to be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse, shall have been submitted to and approved by the District Planning Authority. The drive shall be constructed and surfaced, in full accordance with the approved details. **REASON:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan.

- 7 A sample of the external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 8 Prior to the commencement of development hereby permitted, a contamination survey of the whole of the site (including details of the timing and phasing of the remedial measures) shall be submitted to and approved in writing by the District Planning Authority. These works shall be carried out in strict accordance with such approved details and timescale. **REASON :** To protect the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011.
- 9 The development hereby permitted shall proceed only in strict accordance with the recommendations of a noise assessment, which shall be submitted in accordance with the principles of the NPPF. The noise assessment shall include results for LAeq, LA10, and LA90 noise descriptors, together with a calculated arithmetical average for the LAeq. The assessment will demonstrate by calculation that internal noise levels for the proposed residential property meet the 'Good' criteria set out in British Standard 8233 'Sound Insulation and Noise Reduction for Buildings' together with any mitigation measures that are required to achieve this. Prior to the first occupation of the building any necessary mitigation measures shall have been implemented in full accordance with the recommendations of the noise assessment and thereafter shall not be removed or altered in any way without the prior written approval of the local planning authority. **REASON:** To ensure no harm to future occupiers of the dwellings through noise and disturbance and to satisfy the requirements of Policies DP2 and DP9 of the Warwick District Local Plan 1996-2011.
- 10 The applicant, or their agents or successors in title, shall 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. **REASON:** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011.
- 11 The development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include timing of works, replacement roost details and monitoring) has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation measures shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development.

- 12 Prior to the commencement of the development hereby permitted, the site to be surveyed for the presence of badgers immediately before any development takes place. If evidence of badgers is found at this time, a full badger survey should then be carried out by a badger expert. The results of any badger survey, and recommendations made relating to this to be kept confidential, and taken into account during development design and implementation. N.B. If evidence of badgers is found, Natural England should be consulted, as badgers and their setts are protected under the 1992 Badger's Act. **REASON:** To ensure appropriate measures are taken in relation to protected species.
- 13 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **REASON:** In the interests of fire safety.
- 14 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 CO² 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.
- 15 The off street car parking area to serve the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted. **REASON:** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 and the Vehicle Parking Standards SPD of the Warwick District Local Plan 1996-2011.
- 16 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 Classes A, B and E within Part 1 of Schedule 2 of this Order. **REASON:** This site is within the rural countryside wherein the District Planning Authority wishes to retain control over future developments in accordance with Policy RAP2 in the Warwick District Local Plan 1996-2011.
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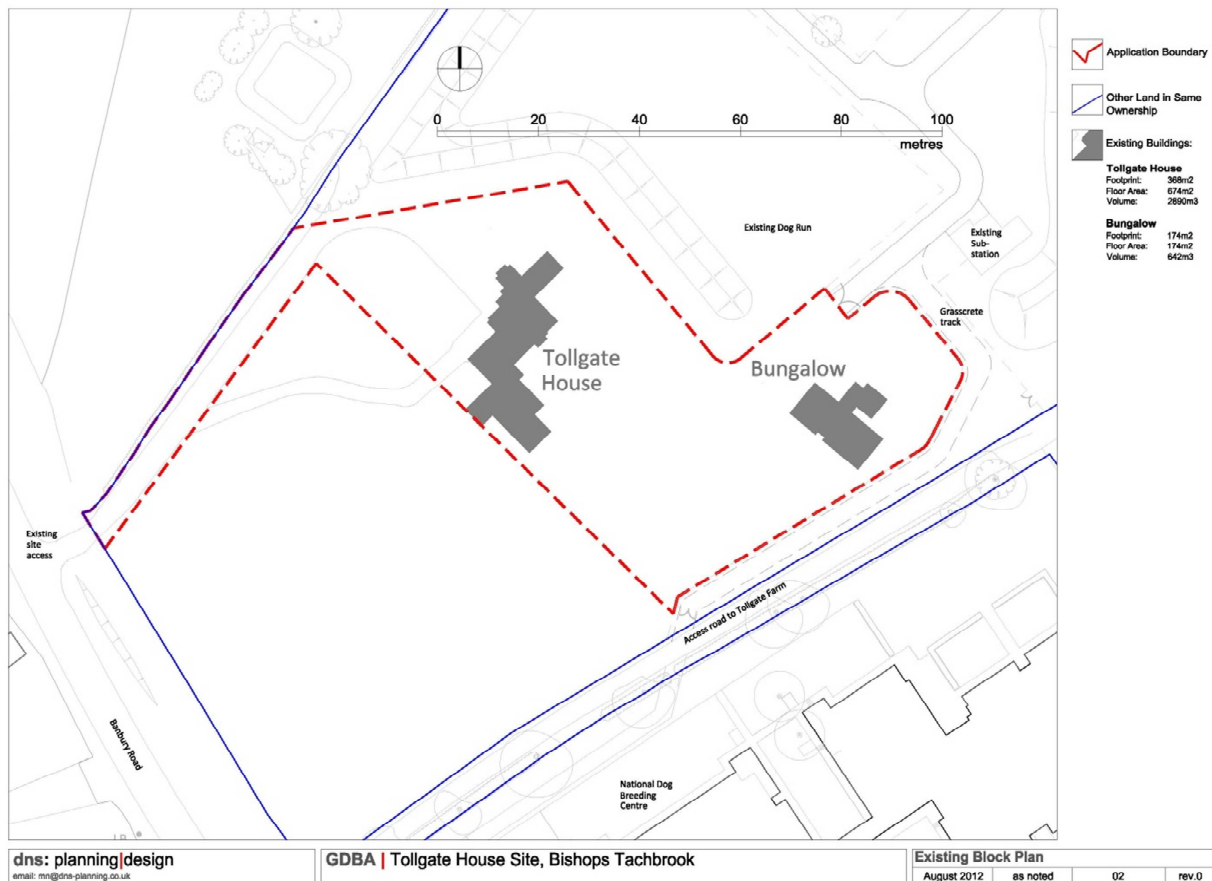


dns: planning|design
email: mn@dns-planning.co.uk

Location Plan

August 2012	as noted	01	rev.0
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GDBA | Tollgate House Site, Bishops Tachbrook





Planning Committee: 21 June 2016

Item Number: **6**

Application No: [W 16 / 0527](#)

Town/Parish Council: Leamington Spa

Case Officer: Liam D'Onofrio

01926 456527 liam.donofrio@warwickdc.gov.uk

Registration Date: 11/03/16

Expiry Date: 06/05/16

Cafeteria, Victoria Park, Archery Road, Leamington Spa, CV31 3PT
Installation of a skate park FOR Warwick District Council

This application is being presented to Committee as Warwick District Council is the applicant.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a skate park, which will measure approximately 50 metres long by 7 metres wide accommodating a range of concrete ramps and jumps up to 1.7 meters high.

The Council's Green Space Development Officer advises that the skate park replaces a skate ramp, which was removed from this area approximately four years ago for health and safety reasons. The proposal will provide an improved, larger skate park than the original that has been designed by a local skate group, 'Save Our Skate Park', to suit skaters with a range of abilities.

The scheme has been made possible by the local skate group applying for funding for the skate park, which has been also been added to by Warwick District Council through Section 106 contributions.

THE SITE AND ITS LOCATION

The application site relates to an area located within Victoria Park, a Registered Historic Park situated within the Royal Leamington Spa Conservation Area. Victoria Park together with The Pump Room Gardens and Jephson Gardens to the east forms a green wedge which runs through the heart of Royal Leamington Spa. The application site is set adjacent to the river walk on southern bank of the River Leam near to the existing children's paddling pool and playground.

PLANNING HISTORY

There have been various historic applications for park buildings/shelters, flood lighting and bowls pitches, the most recent being:

W/13/1086 Alterations and extensions to pavilion: Granted 25th September 2013

W/13/0478 Temporary change of use of land for the installation of marquees, gazebos and shelters for use by sponsors, traders, officers, competitors and visitors to the annual Bowls England National Championships; and for the siting of up to 30 touring caravans for the accommodation of officials and competitors; all for a temporary period of not more than 36 days each year between the third week of July and the first week of September: Granted 24th May 2013.

W/13/0827 Erection of low profile storage buildings and associated landscaping screen of mixed native shrubs: Granted 25th July 2013.

W/13/1040 Replacement irrigation system for the bowling greens to include the replacement of the pipework and sprinklers and installation of a new 2m wide x 3m long and 2m high irrigation storage tank and pump house behind the existing Green keeper shed within a fenced compound: Granted 5th September 2013.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE4 - Protecting Historic Parks and Gardens (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

SUMMARY OF REPRESENTATIONS

Leamington Spa Town Council: No objection.

Environmental Health: No objection.

Public response:

Two letters of support have been received providing the following comments:

- This will be an excellent addition to the facilities at Victoria Park & will surely benefit the local community as a whole.
- A long over due facility and much needed recreation area for a wide variety of ages. The space will be free to use and encourages community cohesion.
- A good quality skate park will also help relieve the local police force from moving on nuisance skaters in town.

ASSESSMENT

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

- Impact upon the Historic Park and Conservation Area;
- Impact upon neighbouring amenity;
- Matters of ecology/landscaping;
- Flood risk;
- Health and Wellbeing.

Impact upon the Historic Park and Conservation Area

The scheme will provide a skate boarding facility within the park. The development is considered to be an appropriate scale and will be logically sited close to the existing paddling pool and children's playground. The skate park is considered to appear entirely appropriate within its context providing another complementary facility within the park, without affecting the park's historic structure, character or principle components in accordance with Local Plan Policy DAP11.

Given its scale and context the scheme is not considered to raise any significant impact upon the character or setting of the conservation area in accordance with Local Plan Policy DAP8.

Impact upon neighbouring amenity

Given the distance to surrounding residential properties the proposed development is not considered to result in any significant impact upon the amenities of the occupiers of these properties.

Ecology/landscaping

The scheme is located within a grassed area and is not considered to raise any ecology issues. Tree protection measures will be required to protect existing mature trees during construction and a condition is suggested to secure these measures.

Flood Risk

The park is within Flood Zone 2 and 3 however the development is water compatible and no objections have been raised by the Community Protection Team.

Health and Wellbeing

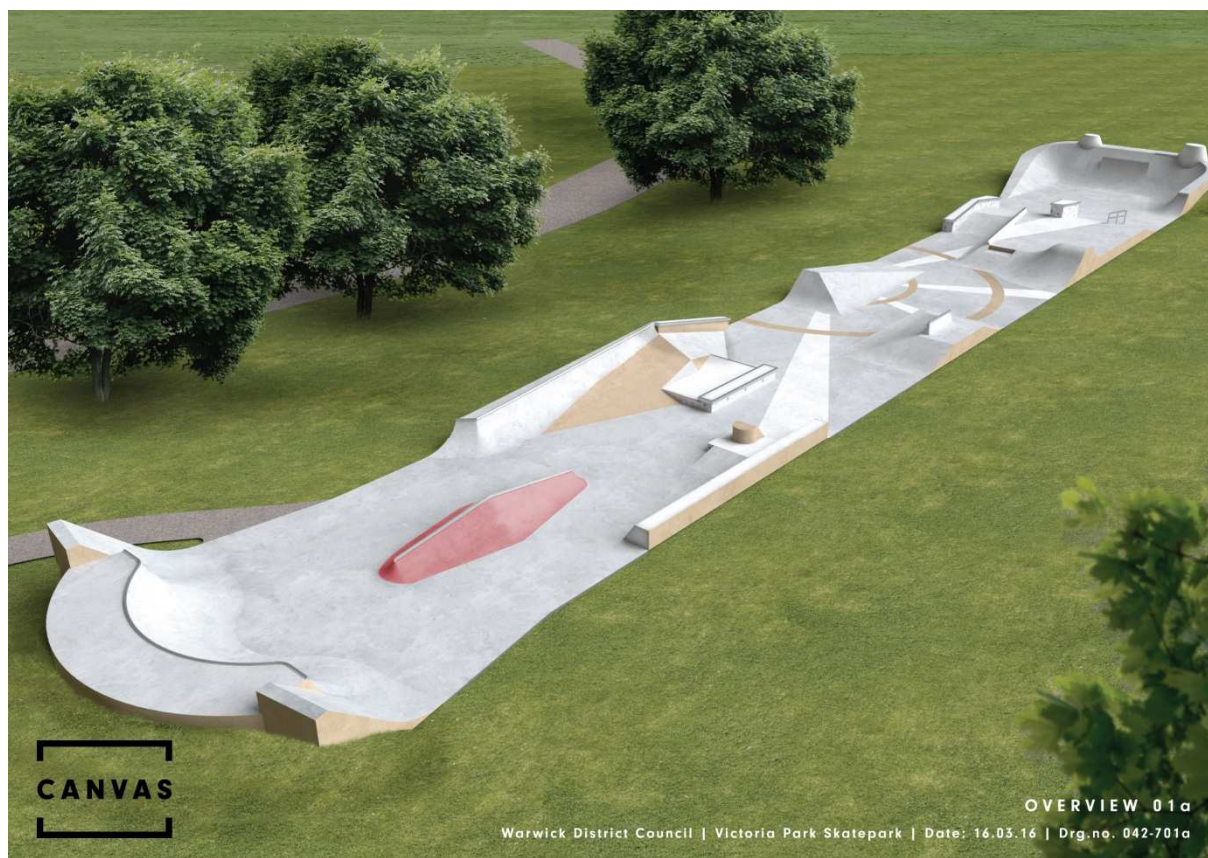
The scheme is consider to provide a positive addition to existing facilities within the park, providing a social area for the local skating community and encouraging physical activity for children and young adults.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the nature and scale of the development would not cause unacceptable harm to the character or setting of the Conservation Area, the Historic Park and Garden status of Victoria Park or neighbours' amenity. The proposal is therefore considered to comply with the policies listed.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 042-P402 A, 042-S301 and specification contained therein, submitted on 21/03/16. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved plan Drg No.042-P402 Rev A have been put into place in full accordance with British Standard BS5837 – 2012 'Trees in Relation to Design, Demolition & Construction'. Tree protection measures shall thereafter remain in place during construction work. **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.



CANVAS

OVERVIEW 01a

Warwick District Council | Victoria Park Skatepark | Date: 16.03.16 | Drg.no. 042-701a

Planning Committee: 21 June 2016

Item Number: **7**

Application No: [W 16 / 0603](#)

Town/Parish Council: Radford Semele

Case Officer: Liam D'Onofrio

01926 456527 liam.donofrio@warwickdc.gov.uk

Registration Date: 08/04/16

Expiry Date: 08/07/16

**Land East of Radford Semele, North of Southam Road, Radford Semele,
Leamington Spa, CV31 1TP**

Variation of condition 1 imposed under planning permission W/15/1293 to remove reference to engineering plan RADF-5-500 to allow changes to site levels to compensate for two high pressure water mains that cross the site. FOR
BOVIS HOMES WEST MIDLANDS REGION

This application is required to be determined at Committee due to the amount of objections received, however it has also been requested to be presented to Committee by Councillor Doody and Councillor Weed.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought to vary condition 1 imposed under planning permission W/15/1293 to allow changes to the site levels and finished floor levels of approved properties to compensate for two high pressure water mains that cross the site. The variation seeks removal of reference to engineering plan RADF-5-500 within condition 1 and for the foul and surface water drainage works details to be dealt with by way of Condition 17 under the outline consent W/14/0322. The spine road will rise by up to 1.3 metres over approved levels and changes in finished floor levels across the site range from -350mm to +950mm with no change to several properties.

The applicant Bovis homes has provided the following justification in support of the changes:

Bovis Homes have two high pressure asbestos cement water mains run across the site. At the planning application stage, Severn Trent Water (STW) had approved our proposed road and sewer designs but had not made clear their restrictions on the use of mechanical plant within the vicinity of the water mains. Once this was stipulated by STW it led to the need to lift the site to provide adequate cover to the mains.

In lifting parts of the site due to the water mains this had an impact on the way in which the surface water attenuation functions within the site, which led to clashes between the surface water attenuation and the proposed foul drainage on the site. Unfortunately this was further compounded by the need to connect into a fixed invert level within an existing foul manhole in Southam Road.

The lifting of finished floor levels on the site was not a decision taken, but a result of the engineering detailed designs considering the aforementioned constraints.

THE SITE AND ITS LOCATION

The application site comprises two former arable fields forming a largely rectangular plot bounded by Southam Road to the South with arable land to the North, East and South. The land is currently being developed under previous consents and several houses have already been erected around the spine road. The western site boundary adjoins the built up edge of Radford Semele village. The rear gardens of two semi-detached houses in The Greswoldes, and the side garden of Amberwood, a detached bungalow fronting Southam Road, adjoin this western site boundary.

On the opposite side of Southam Road near the eastern site boundary lies The Grange, a large detached house. The site is within open countryside and generally flat, with a small drop from south to north. Land to the north drops steeply towards the River Leam. The site is within the wider Plateau Fringe Special Landscape Area. The eastern most part of the site lies close to a gas transmission works outside the site, and a water main crosses mid-way through the site.

PLANNING HISTORY

W/15/1293 Reserved Matters for the approval of siting, design, external appearance, landscaping, engineering and materials for residential scheme granted under Outline Application ref: W/14/0322: Granted 17/11/15

W/15/0297 Reserved Matters for the approval of appearance, landscaping, layout and scale for 60 dwellings granted under Outline Application W/14/0322: Granted 1st June 2015

W/14/0322 Construction of up to 60 market and affordable dwellings, new vehicular access, open space and associated infrastructure (outline application including details of access): Granted 6th June 2014

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)

The Emerging Local Plan

- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR3 - Transport Improvements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- 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 - Publication Draft April 2014)

SUMMARY OF REPRESENTATIONS

WCC Highways: No objection.

WCC Flood Risk Management: No objection.

Public response:

There have been 22 objections received raising the following concerns:

- Hill top location, changes will be unacceptably visible/site is too high/affect skyline.
- Local houses will now be overlooked, not the case with the original.
- Properties on raised land may be subject to subsidence.
- Flooding will be made worse.
- Builders should be forced to comply with original agreement.
- Changes of up to 5m, not 1m as suggested/changes estimated at 5.2m.
- Some calculate 5m, it is thought levels are 2m higher.
- Objection as revised proposal exhibits very little difference to the original.

The case officer notes that 10 of the above objections raise concerns based on the incorrect assumption that the land levels have been increased by 5 metres.

ASSESSMENT

Principle

The principle for the housing development of 60 units was established following the grant of outline planning application W/14/0322 at Planning Committee on 27th May 2014. This application also dealt with matters associated with the principle for the development, including loss of agricultural land, affordable housing, the impact upon local services and infrastructure and agreed the access point. The outline application was subject to a Section 106 legal agreement securing necessary contributions.

The appearance, landscaping, layout and scale of the development has already been granted under reserved matters applications W/15/0297 and W/15/1293. The current application seeks to alter approved land levels and finished floor levels. The housing mix, parking and scale/design remain as approved.

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

- The impact on the Character and Appearance of the Area;
- The impact on the living conditions of nearby dwellings;
- Drainage and flood risk;
- Health and Wellbeing.

The impact on the Character and Appearance of the Area

The layout and building designs remain as previously approved and the changes just therefore focus on levels. The development is already underway and the spine road level rises from the south adjacent to Southam Road to a maximum of 1.3 metres into the site over the approved levels. The dwellinghouses around this spine road are most affected with high increases of up to +950mm. Nevertheless the visual impact will be minimal as the houses are viewed in the context of a wider building group forming the new housing development. The finished floor level of the two dwellinghouses on the spine road closest to the Southam Road are +100mm (Plot 1) and unchanged (Plot 6). While the majority of houses across the site have some change to the previously approved finished floor levels these are considered minor and vary between -500mm and +500mm.

The changes will not affect the visual amenity of the streetscene or wider views compared to the approved scheme and there is not considered to be any reasonable planning policy justification to refuse the scheme.

The impact on the living conditions of nearby dwellings

The layout is unchanged and the separation distances therefore remain in accordance with the Council's guidelines. The changes in levels across the site do not affect these distances and the scheme will still provide an acceptable level of outlook and amenity for future occupiers.

Concerns raised by local residents regarding overlooking are noted, however many of the concerns are based on the incorrect understanding that site levels are being raised by 5 metres. The changes are relatively minor within the context of the wider site with no changes and a -350mm drop in levels proposed to the two buildings closest to the western boundary with the neighbouring property Amberwood. Where dwellinghouses are being raised these are at distances from existing properties that are well in excess of minimum separation distances. The changes to the approved scheme are not therefore considered to create any significant impact upon the light, privacy, outlook or amenities of surrounding occupiers.

Drainage and Flood Risk

Local residents have raised concern regarding flood risk. The two approved balancing ponds remain in place. The exact design and construction of the site's sustainable urban drainage was conditioned at outline stage under W/14/0322 and further design details will need to be submitted with the Local Planning Authority for agreement and discharge.

The County Flood Risk Management Team have raised no objection to the scheme.

Health and Wellbeing

The scheme is not considered to raise any health or well-being issues.

SUMMARY/CONCLUSION

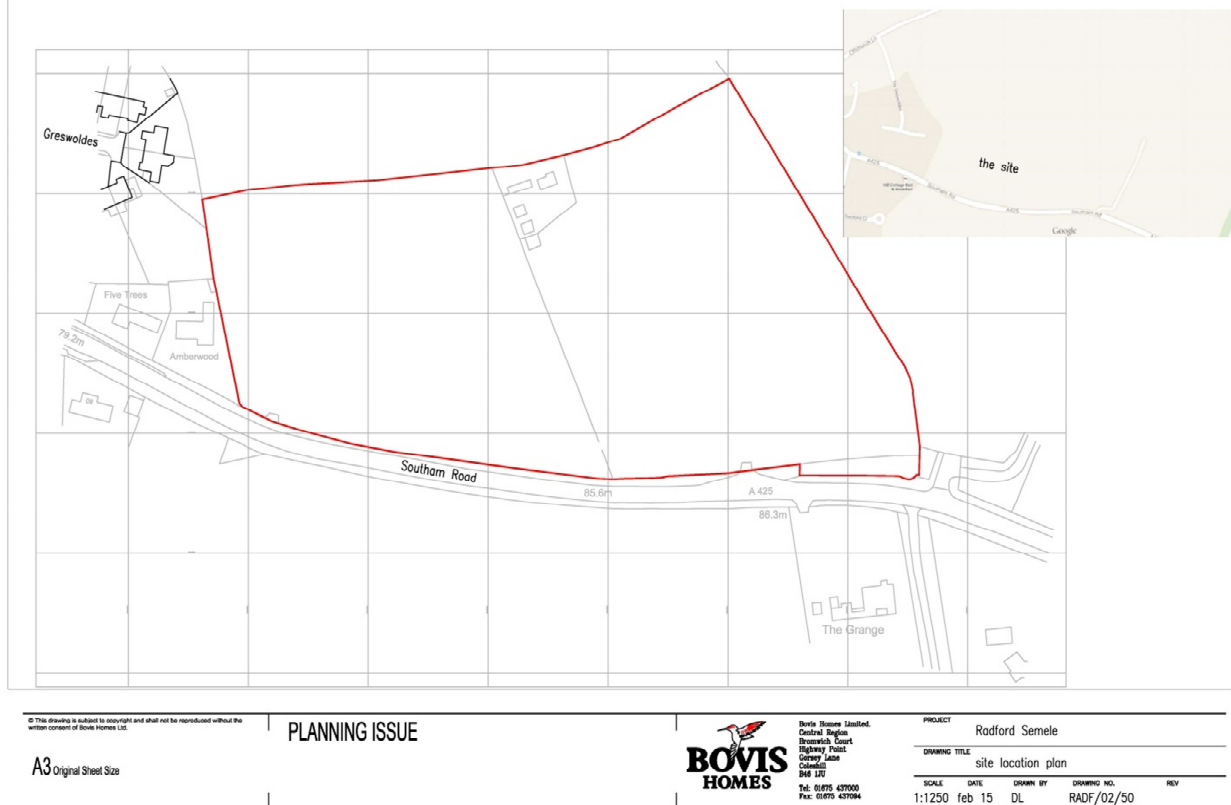
The proposed changes are considered to be acceptable and the scheme will remain largely the same as previously approved under W/15/1293. The development as a whole is considered to provide a high quality residential environment in accordance with the garden suburbs principles, including an appropriate mix of market and affordable housing and acceptable dwellinghouse and layout design solutions, including public open space and complies with the policies listed.

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) HTPD_AGD2-1, HTPD_AGS2-1, HTPD_AGS2-2, HTPD_AGT2-1, HTPD_AGT2-2, HTPD_S351 TYPE_S3, HTPD_S461_TYPES4, HTPD_S241_TYPE S2 REV A, HTPD_2B BUNG TYPE A, HTPD_C200B_S5 REV A, HTPD_C3003 TYPE D 1-2 REV A, HTPD_C3003 TYPE D 2-2 REV A, HTPD_P301VT TYPE B REV A, HTPD_P306 TYPE C REV A, HTPD_P404 TYPE E, HTPD_P501VT TYPE F - RENDER, HTPD_P506 TYPE G 1-2, HTPD_P506 TYPE G 2-2, HTPD_S1 REV A, RADF-02 500, RADF-02-100D, RADF-02-200C, RADF-03-080, RADF-02-400-B, Radford Semele LEAP and specification contained therein, submitted under W/15/1293 on 13th August 2015 and RADF-5-1001, RADF-05-2000 submitted on 05/04/16. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 2 Notwithstanding the details on the approved plans the fence to the western site boundary shall be 2 metres high and shall have been erected prior to the first occupation of the dwellings (plots 40 and 49-50). The fence shall not then be removed without the prior written approval of the Local Planning Authority. **REASON:** To ensure 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.
- 3 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.
- 4 The landscaping scheme submitted as part of the application hereby permitted shall be completed, in all respects, not later than the first

planting season following the completion of each phase of the development hereby permitted. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

- 5 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 windows or openings, including dormer windows (apart from any shown on the approved drawings) shall be formed in the rear roof slopes of Plots 20, 40 and 49-50 hereby approved without the written approval of the local planning authority 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.
 - 6 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 on Plot 40, which comes within Class A of Part 1 of Schedule 2 of this Order, without the prior permission of the Local Planning Authority. **REASON:** To retain control over future development of this property in the interests of residential amenity, given its close relationship with the adjoining property Amberwood and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
-



Planning Committee: 21 June 2016

Item Number: 8

Application No: [W 16 / 0609](#)

Town/Parish Council: Kenilworth

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 18/05/16

Expiry Date: 13/07/16

12-17 Talisman Square, Kenilworth, CV8 1JB

Change of use for the 1st floor units above 12-17 Talisman Square in Kenilworth from B1 (offices) to D2 (assembly and leisure) to open an Anytime Fitness gym operating on a 24 hours a day, 7 days a week basis, including raising of roof height by 0.9 metres. FOR Mukhtair Bains Limited

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

RECOMMENDATION

Planning Committee are recommended to grant the application.

DETAILS OF THE DEVELOPMENT

Proposed change of use from B1 (offices) to D1 (assembly and leisure) for use as an Anytime Fitness gym operating on a 24 hours a day, 7 days a week basis, including raising of roof height by 0.9 metres.

THE SITE AND ITS LOCATION

The application site is located within Talisman Square, which is found within Kenilworth Town Centre, positioned to the north east of Warwick Road, the main high street leading into the town. The change of use is for the first floor units above 12-17 Talisman Square which have been vacant for 12 years and last known use was as B1 offices.

PLANNING HISTORY

There is no relevant planning history relating to this site.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

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

Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Environmental Health: No objection, comments that the application should be conditioned to be used as a gymnasium only to prevent potential loss of amenity or nuisance which could be caused by other D1 uses; the proposed air conditioning units should be conditioned such that they do not cause any noise disturbance to neighbouring residential units; the noise impact assessment provided is acceptable and identifies that mitigation is required to protect the existing commercial units from noise and vibration - condition required for mitigation scheme to be submitted to and approved by the Local Authority; it is acknowledged that the internal lighting from the proposed use could cause harm to nearby residential properties and requests further information to demonstrate that lighting will not cause nuisance to nearby properties which can be secured by condition.

WCC Ecology: No objection, subject to inclusion of bat and nesting bird notes.

12 Public Objections: Main concern regarding the increased parking requirements which cannot be accommodated in the town centre; also, support should be shown for smaller local businesses rather large companies; potential unwanted noise disturbance created from proposed use; potential security concerns regarding entrance to units and potential to increase anti-social behaviour in surrounding area.

1 Public Letter of Support: Proposal would bring a purpose to office space which has been vacant for number of years. Increased parking can be accommodated for in various car parks within Kenilworth.

ASSESSMENT

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

- Principle of the change of use
- Design
- Impact on Neighbouring Amenity
- Energy Efficiency

- Parking
- Ecology

Principle of the change of use

Adopted Local Plan policy TCP1 states that proposals for leisure development will be permitted where they are of an appropriate scale in relation to the role and function of the town centre and its catchment, and reflect the character and form of the town centre. Local Plan policy TCP12 states that development that denies access to the upper floors of buildings within town centres will not be permitted.

The proposed change of use is considered to be an appropriate scale for this town centre location and would support the existing services already provided in the wider area. There has been concern raised by members of the public that the Local Authority should be supportive of smaller local businesses, rather than larger companies such as the applicant. However, it is not possible for the Council to have such tight controls on the scale of businesses within the Town Centre and would be unreasonable to put such restrictions in place. The proposal would facilitate use of the upper floors of Talisman Square which have been vacant for a number of years, therefore in principle the development is acceptable.

Design

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the way it functions. Furthermore, adopted Local Plan policy DP1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing.

The proposed change of use would also include raising the main ridge height of the building by 0.9m and will be constructed from matching materials to those of the existing property. There would be no overall change in the design or appearance of the building other than this increase in roof height which is not considered to have a detrimental impact on the property or wider street scene. The roof height increase would facilitate the use of the units as a gymnasium, to improve the function of the building, whilst respecting the surrounding buildings. The proposal is therefore considered to comply with Local Plan policy DP1.

Impact on Neighbouring Residential Amenity

Adopted Local Plan policy DP2 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

There has been objections from some members of the public that the proposed change of use could create unwanted noise disturbance and there are concerns

regarding security and the potential to increase anti-social behaviour in surrounding area as a result of the proposed change of use.

A noise impact assessment has been provided by the applicants which details that noise disturbance could be an issue for the units on the ground floor as a result of the proposed change of use. Environmental Health have been consulted as part of the application and advise that a mitigation report should be provided in order to avoid any increased noise disruption to these units which can be conditioned. Environmental Health also indicate that the proposed air conditioning units could cause noise disturbance to nearby residential units, however, the application can be conditioned for further information from the applicants that the units will not exceed maximum background levels of 3dB(A) (measured as LAeq(5 minutes)).

There is no evidence to suggest that the proposed gymnasium would increase anti-social behaviour or the need for increased security. The applicant has however, provided a response to the comments from members of the public and state that more security measures will be introduced, via an increased number of CCTV cameras inside and outside of the property. It is not considered that the proposed change of use would increase anti-social behaviour in this area and would however increase natural surveillance.

Environmental Health have also identified that the internal lighting produced by the gymnasium could cause disturbance to the nearby residential properties. However, as long as details are provided to demonstrate that lighting will not cause nuisance to nearby properties, Environmental Health have no objection to the proposed change of use and confirm that this information can be conditioned.

Finally, in order to protect the amenity of nearby units against disturbance which could be caused by other uses within class D1, Environmental Health consider it appropriate to condition the application so that the units can only be used as a gymnasium which will be attached to the application.

The proposed change of use is therefore not considered to create undue harm to the amenity of any nearby units and is considered to comply with Local Plan policy DP2.

Energy Efficiency/CO₂

It is considered the proposed use would generate a higher demand in energy use than a Class B1 use and therefore a renewables or fabric first approach towards construction methods scheme would need to be provided. Whilst no such scheme has been submitted, it is considered that this could be controlled by way of condition, thereby meeting Policy DP13 in the Local Plan and the Council's adopted Supplementary Planning Document on Sustainable Buildings.

Parking

The majority of the concerns regarding the proposed change of use focus on the increase in car parking required for the proposed use and inability of the town centre to accommodate for this need. Contract Services have been consulted regarding the application and confirm that as three car parks serve the proposed gymnasium, it is likely that they can accommodate this use. Furthermore, as the gymnasium will be located within the Town Centre and is therefore a sustainable location, public transport can also be used to access the gymnasium. The peak times for use of the facility are between 5pm and 6pm which are not considered by Contract Services to be peak times for local car park use. For these reasons, the proposed change of use is considered to be acceptable and would not create additional parking requirements which could not be accommodated by local car parks. It is considered therefore that the proposal would be satisfactory in meeting the objectives of Local Plan policy DP8.

Ecology

WCC Ecology have commented on the application and consider that cautionary bat and nesting bird notes would be sufficient and will be attached to the application. The proposal in its present form is acceptable and complies with Local Plan policy DP3.

Summary/Conclusion

The proposed change of use is considered to comply with Local Plan Town Centre policies in principle and would not cause undue disturbance to neighbouring residential or commercial units which would be unacceptable and reason for refusal of the application. The town centre offers sufficient car parking to meet any increased parking requirements and the application should therefore be approved.

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 2737/Plan/02, and specification contained therein, submitted on 6th April 2016. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 3 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 CO² 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.
- 4 The development hereby permitted shall not commence until a mitigation scheme has been provided to the local planning authority for approval that details the structural and managerial measures to be implemented that minimise noise and vibration transmission to nearby sensitive commercial and residential receptors. The approved scheme shall be implemented in full and shall not be altered in any way without the express written approval from the local planning authority. Once completed, the applicant shall provide an updated noise and vibration assessment to the local planning authority for approval which demonstrates that the mitigation measures have been installed in accordance with the approved details. **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.
- 5 The development and change of use hereby permitted shall not commence until details of the internal lighting have been submitted to and approved by the Local Planning Authority which ensures that the internal lighting shall not cause a nuisance or a disturbance to the occupiers of nearby properties. The applicant shall have regard to the recommended lighting levels contained within the '*Guidance notes for the reduction of obtrusive light*' produced by the Institution of Lighting Professionals (2011). The internal lighting shall be installed and thereafter maintained in accordance with the approved details.
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.
- 6 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is

irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 7 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. The applicant shall also provide an updated noise impact assessment to demonstrate that the proposed plant and equipment will comply with this criteria. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
 - 8 The premises shall only be used as a gymnasium and shall not be used for any other purpose, including any other purpose within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. **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.
 - 9 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.
-

Application No: [W 16 / 0636](#)

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

Registration Date: 11/04/16
Expiry Date: 06/06/16

Hamelin, Coventry Road, Baginton, Coventry, CV8 3AP
Erection of a single storey rear extension. FOR Mr Kamaci

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

This application is a resubmission of W/16/0191 which was for a single storey rear extension to the existing shop and differs from that proposal in respect of the reorganisation and reduction in the number of car parking spaces proposed.

The proposal has come forward in connection with the desire to bring this longstanding vacant retail premises back into use as a delicatessen and sandwich shop and to that end provides an extension of 31m² which in view of the small scale nature of the existing premises, proportionally represents a significant increase.

THE SITE AND ITS LOCATION

The application property is a small garage sized single storey building in a longstanding dilapidated condition located adjacent to a one and half storey house call Hamelin in a central location opposite the village's general store and post office. It also adjoins another similar sized building which is an established hot food take away. The site is located in the village of Baginton and is washed over by Green Belt.

PLANNING HISTORY

- W/13/1709 - Demolition of existing retail premises and front extension to existing dwelling for new bed and breakfast accommodation with air source heat pump and construction of side driveway and rear car park for 5 vehicles. Refused 12/02/14
- W/14/0963 - Demolition of existing retail premises and extension of existing dwelling to provide new bed and breakfast accommodation (resubmission of W/13/1709) Refused 14/08/14

- W/15/0445 - Prior approval notification for a proposed larger home extension for the erection of a single storey rear extension; 6m deep, 2.4m to the eaves and 3.9m high. Prior approval not required 21/04/15
- W/16/0191 - Erection of a single storey rear extension. Refused for the following reason:-

"Policy DP2 of the Warwick District Local Plan states that development will not be permitted which does not provide acceptable standards of amenity for future users / occupiers of the development.

The proposed car parking area proposed to the front of the main house, 'Hamelin' by reason of its extent, location and use would impact upon the outlook from that property and result in levels of noise and disturbance to its occupants to an extent that would be detrimental to their residential amenities contrary to the National Planning Policy Framework and to policy DP2 of the Warwick District Local Plan 1996 to 2011."

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

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

Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Baginton Parish Council: Raised no objections on the previous application, have raised an objection to this application regarding the lack of off road car parking.

WCC Archaeology: No objection

WCC Ecology: No objection, subject to condition

WCC Highways: No objection

ASSESSMENT

It is considered that the key issues relating to this proposal are:-

- Principle
- Green Belt
- Design
- Amenity
- Parking
- Renewables.

Principle

In view of the ongoing challenges facing rural communities in retaining appropriate facilities and services within villages, the principle of this proposal which will bring back into use a longstanding vacant retail unit in close proximity to the village's general store and post office is to be welcomed.

The existing building itself is very small such that an extension of the size proposed, which in many other scenarios would be considered to be modest, is also considered to be acceptable both as a matter of principle and in supporting the level of service provision within the village.

Green Belt

The proposed extension will add 31m² of additional floor space to the existing retail unit, which will equate to an 88% increase and which in Green Belt terms comprises inappropriate development.

However, it is considered that in the particular circumstances of this case the benefits of bringing the building back into use combined with the small scale and single storey nature of the extension proposed to the rear of the existing building are considered to be sufficient to comprise very special circumstances to an extent which outweighs the objection to the proposal in terms of inappropriateness.

Design

The proposed extension is to the rear, and will be constructed of materials which match the existing building. The building is not a Listed Building or in a Conservation Area and therefore the design of the proposed extension is considered acceptable.

Amenity

The existing retail unit adjoins an existing take away premises. Therefore, the extension does not breach the 45 degree sightline taken from the nearest habitable room. The neighbouring property, Hamelin, is a dwelling, however, due to the separation distance between the two sites, there will be no impact on 45 degree sightline from this property.

As amended, the proposal no longer incorporates any parking to the front of the existing property Hamelin nor does it extend across the neighbouring property's front garden area, the impacts of which resulted in the previous refusal of planning permission. There is therefore considered to be no material impact upon this property from the scheme as revised including from any increased activity at the application site arising from the proposal.

The application is considered acceptable and in accordance with Policies DP2 and DP9 of the Warwick District Local Plan 1996-2011.

Parking

The existing (vacant) use of the site would require 2 off street car parking spaces whilst currently, 1 is available. The current proposal would increase that requirement by 1.5 spaces (rounded up to 2) such that there would be a shortfall of 3 off street spaces.

The comments of the Parish Council are noted, however the Highway Authority comment that the mixed nature of the immediately surrounding area combined with the parking restrictions in place on one side of the road and the nature of the demand for parking in the area are not such that any shortfall in off-site provision would impact upon the use of the highway and highway safety to the extent that an objection on that ground could be sustained.

Renewables

The Energy Statement submitted with the application states the property will be installed with an Air Source Heat Pump which will provide the 10% renewable quota.

However, no SAP calculations have been submitted which demonstrates how the Air Source Pump meets the criteria set out in the Sustainable Buildings Statement SPG. This can be controlled via a suitable worded condition.

Summary

The proposal which seeks to enhance the level of service provision within the village is considered to be acceptable in principle and whilst the proposed extension is inappropriate in Green belt terms, as set out above, there are considered to be very special circumstances, sufficient to outweigh that harm.

It is considered that the previous reason for refusal has been overcome by way of the revisions proposed as part of this revised scheme such that there is now no objection to the proposal.

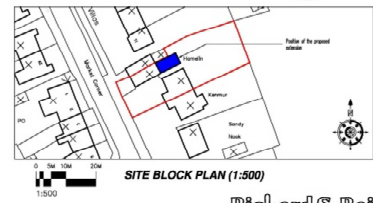
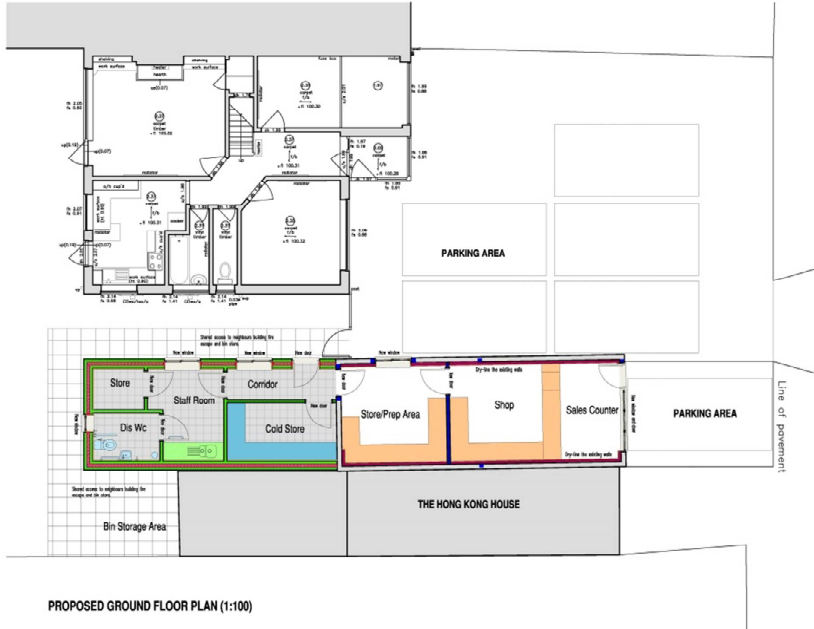
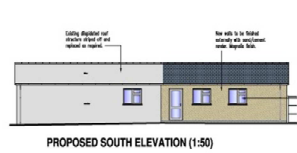
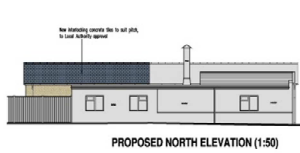
CONDITIONS

- 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 No.5078/10, and specification contained therein, submitted on 2nd February 2016. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 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.
- 4 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall not commence unless and until two weeks notice in writing of the start of works has been given to a suitably qualified bat worker appointed by the applicant to supervise all destructive works to the roof. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England are consulted for advice and no further works shall be undertaken at the site unless and until full details of measures for bat migration and conservation have been submitted to and approved in writing by the local planning authority. The development shall then proceed in full accordance with the approved details and any required mitigation works shall be complete in full accordance with the approved details and shall not be removed or altered in any way without the prior written approval of the local planning authority. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted 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.

- 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.
-



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PROPOSED SHOP REFURBISHMENT/
 EXTENSION
 HAMILTON
 COVENTRY ROAD
 VICTORIA
 BRITISH COLUMBIA
 V8S 4P4
 PLANS AND ELEVATIONS
 PROPOSALS

Scale: 1/8" = 1'-0" (1:96) Plot: 14/01/16 Project: ML
 Drawing No.: 5078/10

Planning Committee: 21 June 2016

Item Number: 10

Application No: [W 16 / 0646](#)

Town/Parish Council: Kenilworth

Case Officer: Emma Spandley

01926 456533 emma.spandley@warwickdc.gov.uk

Registration Date: 08/04/16

Expiry Date: 03/06/16

Land adjacent to 10 Southfield Drive, Kenilworth, CV8 2FR

Erection of a detached dwelling on land adjacent to 10 Southfield Drive
(resubmission of applications refs: W/15/0044 & W/16/0023) FOR Mr & Mrs
Gudgeon

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application proposes to erect a two storey detached house within the rear garden of No.10 Southfield Drive. The house will be accessed from Southfield Drive via the existing access to No.10 Southfield Drive. The driveway will then follow around the side boundary of the front garden of No.8 Southfield Drive.

The property will be a two storey detached 'L' shaped dwelling with a one and half storey element containing a garage adjacent to the shared boundary with No.8 Southfield Drive.

THE SITE AND ITS LOCATION

The application site is within the rear garden of No.10 Southfield Drive, which is located at the head of the cul de sac, which serves modern dwellings. Directly to the north of No.10 was a very large plot for No.7, which has subsequently been sub-divided to accommodate No.9, which occupies a backland position and is accessed via an access drive running along the common boundary with No.10. No.10 sits on relatively level ground, however, at the narrower south-eastern end the land slopes towards the common boundaries with the rear gardens of the dwellings located within Windmill Close, which is approximately 10 metres below ground level at the head of Southfield Drive.

At the top of the steep slope within the application site are a protected Oak tree and a protected Beech tree. The Tree Preservation Order extends to the southwest to encompass the many other large trees along the steep bank within the proposed rear garden of the application property.

PLANNING HISTORY

W/88/0150 - Erection of a detached bungalow and double garage - refused. Subsequently dismissed on appeal 31.1.89.

W/15/0044 - Erection of a detached dwelling on land adjacent to 10 Southfield Drive - refused. Subsequently dismissed on appeal.

W/16/0023 - Erection of a detached dwelling on land adjacent to 10 Southfield Drive - refused.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE4 - Landscape (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Distance Separation (Supplementary Planning Guidance)

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

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Object. The Town Council consider that they could see no reason to change their previous objection, which was -

They considered it to be a back garden development which does not harmonise with the established character of the locality nor respect the surrounding buildings. Members felt the house was very poorly positioned on the plot, being extremely close to both neighbouring properties and providing limited car parking. They considered this to be a contrived solution to issues created by the proximity of protected trees. Members also noted historical storm drainage issues in this area.

WCC Ecology: No objection

WCC Highways: No objection

WCC Landscape: Comment that Southfield Drive consists of detached houses in a spacious, landscaped layout. The proposed dwelling is not in keeping with this character, being at most, only 1m from both adjacent dwellings between it sits.

Public Response: 3 objections have been received, on the following grounds: Impact on highway safety and parking, principle of development, the impact on the character of the area, design and overlooking and loss of privacy. 2 letters of support have also been received raising the need for additional houses and the development having no impact on the neighbour directly behind the development.

ASSESSMENT

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

- The principle of a new dwelling in this location;
- The impact on the character and appearance of the area;
- The impact on the living conditions of the occupiers of neighbouring properties and whether the proposed development will provide adequate living conditions for future occupiers;
- The impact on protected trees;
- Parking and highway safety;
- Energy efficiency/ CO²;
- Ecology

Principle

Policy UAP1 of the Warwick District Local Plan 1996-2011 (WDLP) states residential development will be permitted on previously developed land within

the confines of the urban areas subject to other policies. The definition for previously developed land in the policy excludes garden land.

Therefore the proposal would be contrary to Policy UAP1. However, the National Planning Policy Framework (NPPF) 2012 states at para. 49 that relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement.

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

Accordingly Policy UAP1 is to be considered out-of-date and in these circumstances the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development (para 14). That means granting planning permission unless either:

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

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

Therefore, it needs to be considered whether, in the absence of a five year supply of housing, any adverse impacts of the proposed development, having particular regard to the effect upon the character and appearance of the area and the impact on the protected trees would significantly and demonstrably outweigh the benefits of the scheme.

The Draft New Local Plan 2011-2029 (DNLP) was submitted to the Planning Inspectorate on 30th January 2015. Policy H1 of the DNLP states that new housing will be directed to the urban areas, as these are the most sustainable locations. Kenilworth is cited as being an urban area. Section 2 of Policy H1 goes further and states that housing development on garden land, in urban and rural areas, will not be permitted unless the development reinforces, or harmonises with, the established character of the street and/or locality and respects surrounding buildings in terms of scale, height, form and massing. This Policy has received a number of objections and support, however, the comments received are centred around the allocation of sites, growth villages, the amount of housing etc not about the general thrust of the policy, therefore Policy H1 can be afforded some weight.

Therefore, the principle of the dwelling within the rear garden of No.10 is acceptable in principle as long as it reinforces and harmonises with the established character of Southfield Drive.

Impact on the character and appearance of the area

As mentioned above the application site is located within the rear garden of No.10 Southfield Drive, which has an irregular shaped plot and extends southwards towards the properties within Windmill Close, which are sited at a lower level. The proposed dwelling will be set on a similar alignment with No.8; with No.10 being 90 degrees facing west. It is therefore considered that the siting of the dwelling is technically not backland development like No.7 as it has a frontage onto the road. The sub division of No.10 will result in No.10 having a smaller garden, however, this would not be explicit within the street scene.

The house, as amended, will assimilate within the street scene. The existing properties have been altered and extended over the years by the occupiers and therefore there is not a strong uniform character within the streetscene.

Taking the above into account, it is considered that the proposal will integrate and harmonise with the established character of the street and respect the surrounding buildings in terms of scale, height, form and massing and therefore the proposed dwelling is considered to be in accordance with Policy DP1 of the WDLP and Policies BE1 & H1 of the DNLP.

The impact on neighbouring's living conditions and whether the proposed development will provide adequate living conditions for future occupiers

One of the reasons for refusal for the previous application ref: W/16/0023 centred around the impact of the new house on the living conditions of the occupiers of the existing property at No.10 Southfield Drive. The existing dwelling has a bay window to the ground floor, the 45 degree line from which is breached by the proposed dwelling. However, the breach takes place at a point over 10 metres away which is considered to make the harm in terms of loss of light and outlook negligible.

Along the shared boundary with No.8 is a single storey garage and some dense shrub and tree planting. Due to the siting of the proposed house, the private amenity space adjacent to the rear elevation of No.8 will not be overlooked. Notwithstanding the above, No.6 is on the same alignment as No.8 which benefits from rear windows which look out into the rear garden of No.8.

It is therefore considered that due to the existing vegetation and the siting of the proposed house, it will not cause demonstrable harm to the occupiers of No.8 through loss of privacy or overlooking. Furthermore, the proposed house, as amended, will not breach any 45 degree sightlines.

The objections received in relation to the removal of the hedge are concerned with increased overlooking to the neighbouring properties to the east, located within Convent Close. Whilst these are noted, the hedge is not protected and can therefore be removed at any time, without the requirement for planning permission. Notwithstanding the above, No. 22 Convent Close is located 22 metres from the shared side / rear boundary with the application site. The proposed house is set 11 metres from this same boundary into the plot and therefore there is a 33 metre separation distance between the side habitable room windows of the proposed house and the rear habitable room windows of

No.22 Convent Close well in excess of the Distance Separation SPG which requires a minimum of 22 metres between habitable room windows. Therefore the proposed house will not cause material harm to the living conditions of No.22 Convent Close and complies with the aforementioned policies.

No.23 Convent Close is located directly behind the existing property, No.10 Southfield Drive and is set off the shared rear boundary by 17 metres. No.23 Convent Close are therefore already overlooked into their rear garden by the existing property at No.10 Southfield Drive. The proposed house is set 30 degrees to the south east of the house approximately 40 metres away. Based on the separation distances mentioned above and the siting of the proposed house, it will not have a material impact on the occupiers of No.23 Convent Close by increased overlooking and loss of privacy.

No.21 Convent Close is located 15 metres southeast along the garden of No.10 Southfield Drive and therefore directly looks onto the garden area of the proposed house. The proposed house does not have direct views to No.21 Convent Close. It is therefore considered that the proposed house will not cause material harm to the outlook and privacy of No.21 Convent Close.

Turning to the living conditions of the future occupiers of the proposed dwelling, the proposed dwelling will be sited to the north of a TPO Oak tree and will be set 15.6 metres from the centre of the trunk, whereas the previous application proposal positioned the house just 10 metres away from the Oak tree.

The Inspector who considered the previous appeal stated that the Beech and Oak trees' canopies would be extremely close to and tower above the living room and master bedroom on the ground and first floors. Furthermore, he dismissed the appeal on the impact of the trees on grounds of lack of sunlight and daylight to two main rooms and the decking to the outside. Shadow maps were provided with the previous application which demonstrated that during mid-summer the Oak tree would cast a strong shadow across the south east side of the house, the decking and much of the garden at 09.00 and midday but would move off the house by 15:00. The Inspector concluded that the shadow maps indicated that the Oak would significantly limit the amount of useable amenity space for the proposed house. The only part of the garden that would have been free from shading during the summer was to the north east of the proposed house, which was irregular in shape, not well related to the dwelling's main living space and much smaller than the total area of garden and in comparison to most other houses in the area.

The current proposal has moved the house further back from the Oak tree by 5 metres, thereby increasing the useable amenity space for the dwelling. The footprint of the proposed house has also been reduced slightly and the depth of the existing hedge along the shared boundary with the properties within Convent Close has also been reduced to increase the useable garden space to 50m². This area is not under the canopies of the TPO trees on site, not in shade and the layout of the house provides a better relationship with the garden area.

On balance, it is considered, these measures overcome the previous reason for refusal relating to amenity space and living conditions and the current proposal complies with Policy DP2 of the WDLP and Policy BE3 of the DNLP.

The impact on trees

The Inspector in dismissing the previous appeal stated that the large line of mature trees which runs roughly west to north-east through the rear gardens of the houses in Southfield Drive, which terminates in the TPO Beech and Oak tree at the application address were a significant and attractive landscape feature, prominent in views from numerous properties and several public places and makes a strong positive contribution to the character and appearance of the area.

The Inspector in dismissing the previous appeal considered that the development would affect the protected trees and the adverse impact on the living conditions of the future occupiers of the proposed dwelling would result in increased pressure for the removal of the protected trees.

Relevant to this, the main amendments to the current application are that the proposed house will be located outside the root protection zone entirely as the house has been moved a further 5 metres away from the TPO Oak tree. Therefore the Oak tree will be located approximately 16 metres away (to the centre of the trunk). The position of the house is 6 metres out of the root protection zone. While the tree will still result in considerable overshadowing to the southern part of the garden which slopes down, has dense shrub undergrowth planting and a number of trees, there will still be adequate useable amenity space away from the tree which will provide adequate living conditions for future occupiers.

On balance, it is considered that the application is in accordance with Policy DP3 of the WDLP which states that development will only be permitted which protects important natural features and positively contributes to the character and quality of its natural environment.

Parking and highway safety

The objections received from No.8 are noted, however, the Highway Authority, in their response to the previous application stated that the proposals are unlikely to significantly increase vehicular movements at the access. The Highway Authority acknowledged that due to the design and layout of the road vehicular speeds are likely to be very low and visibility good as the proposed site is located in a no through road. The Highway Authority therefore do not object to the proposed application.

Energy efficiency/ CO²

The Design and Access Statement states that the new house will be built as a sustainable modern house. However, no SAP calculations have been submitted which demonstrate how the proposed house complies with Policy DP13 in respect of reducing carbon footprint or providing 10% renewables. However, this can be secured by condition.

Ecology

County Ecology have raised no objection subject to protected species notes.

Other matters

The comments received in respect of the sewer and the removal of the hedge are noted, however, these are not material planning considerations and cannot be taken into account as part of this application.

Summary/Conclusion

The principle, design, siting and impact on neighbouring properties of the proposed house are considered acceptable.

The reduction in the floor area of the property, along with its resiting and redesign has increased the useable amenity space to the north east and it is considered that the previous reasons for refusal have been overcome and the proposed house will provide adequate living conditions for the occupiers of the proposed dwelling and will not result in material harm to the living conditions of the occupiers of the existing dwelling. Therefore, the proposal is in accordance with Policies DP1, DP2, DP3 of the WDLP and Policies BE1, BE3, NE2 & NE4 of the DNLP.

CONDITIONS

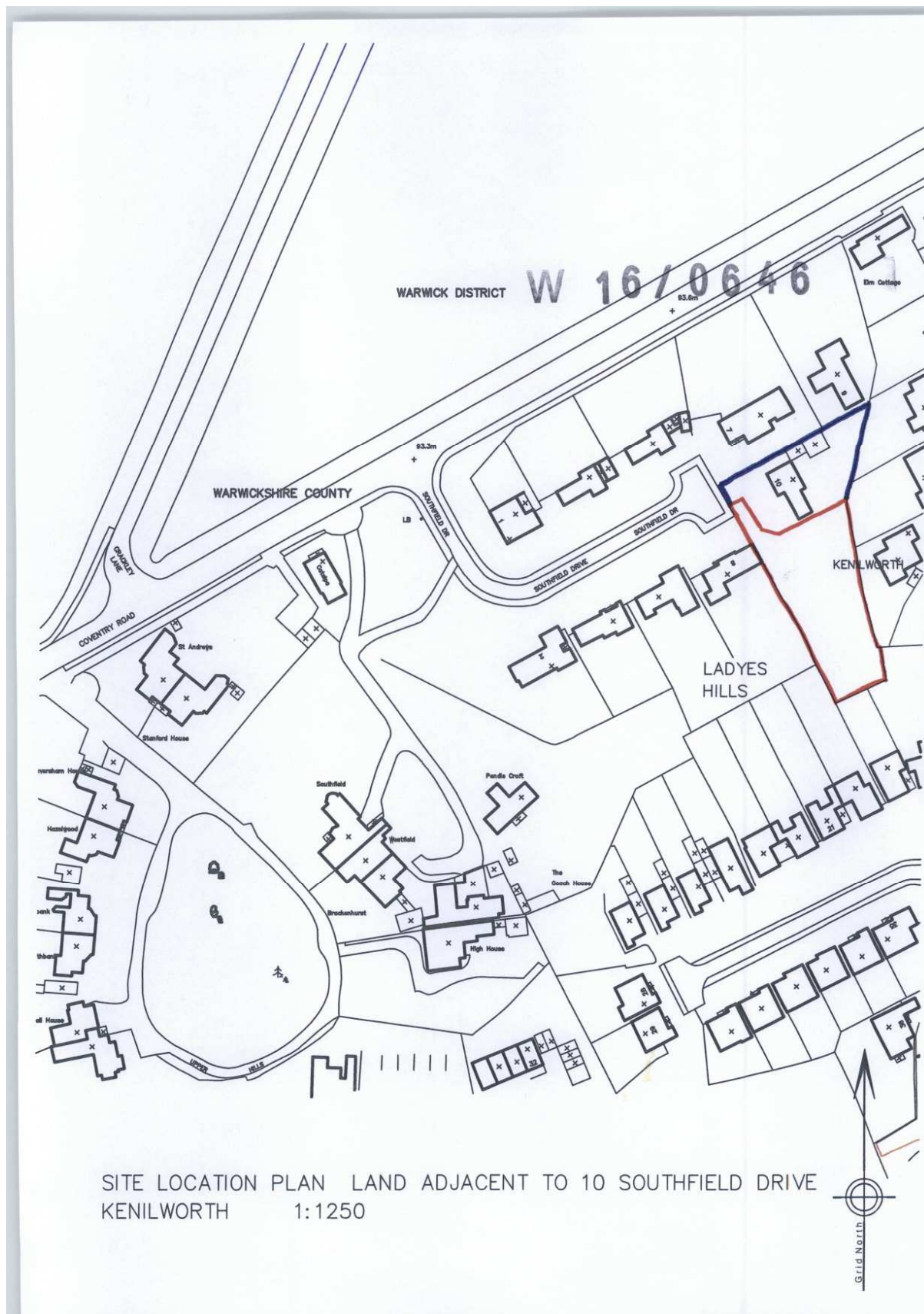
- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing no. 5112/02 Rev E; 5112/03 Rev E & 5112/04 Rev E, and specification contained therein, submitted on 8th APRIL 2016. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation titled ' Arboricultural Implication Study by Higginson Associates, submitted 8th April 2016 on 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.

- 4 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 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 CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 6 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the 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, 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.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no development shall take place under Classes A, B & E within the curtilage of the dwellinghouse hereby permitted. **REASON:** That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area; affect the TPO trees and the amenity of the occupiers of the proposed house. Therefore, no additional development is to be carried out without the permission of the local planning authority in accordance with Policies DP1, DP2 & DP3 of the Warwick District Local Plan 1996-2011.
- 8 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.





Planning Committee: 21 June 2016

Item Number: 11

Application No: [W 16 / 0861](#)

Town/Parish Council: Norton Lindsey
Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 11/05/16

Expiry Date: 06/07/16

The Willows, Wolverton Road, Norton Lindsey, Warwick, CV35 8JL

Proposed removal of the existing porch and bow window, removal of existing roof structure and formation of new pitched roof, with increase in roof height of 0.85m. FOR Mr & Mrs Boddington

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposals are to remodel the existing dormer bungalow by removing the existing roof and dormer and replacing them with a dual pitched roof which will extend across the length of the house to form a chalet-style 1.5 storey bungalow. This will involve an increase to the ridge height by 0.85m and provide for additional living accommodation in part of the first floor.

The application is supported by a bat report which states that the property has not been identified as a bat roost or hibernation site and no further surveys or mitigation measures are considered necessary.

In response to concerns raised in relation to the increase in the footprint of the original dwelling and following the previous refusal of application ref: W/15/1589 for a similar scheme, the information below has been provided by the Planning Agent in support of the application:

- The new application has taken into account the planning officer's conclusions from the two previous applications regarding scale and has redesigned the scheme accordingly. The proposal is for the remodelling of the property along the lines of those proposed under application ref: W/15/1583 with a new roof structure and external finishes but without increasing the total internal floor area.
- The demolition of the existing porch and bow window sees the floor area go from 156m² for the existing to 155.3m² for the proposed. This allows for the

improvement to the street scene by providing a modern contemporary design in place of the visually intrusive, architecturally meritless existing dwelling.

- The proposed increase in roof height of only 0.85m does not substantially increase the bulk or massing of the property and the property still has a lower ridge height than its direct neighbour.
- The existing, badly extended bungalow is utilitarian and of little or no architectural merit.
- Any visual impact of the roof alterations would be reduced by the large set-back from Wolverton Road and the ridge height being lower than the adjoining property.
- The remodelled dwelling would not conflict with, or undermine, any of the identified purposes of Green Belt designation.
- The proposed contemporary design would result in a significant improvement to the street scene and provide an attractive family home which would add to the established housing stock of the village.
- There is no increase in internal floor area over the existing extended bungalow and there is only an 8% increase in surface area of the front elevation when compared with the existing elevation.

THE SITE AND ITS LOCATION

The application site is an existing detached dormer bungalow located on the southern side of the highway within the village of Norton Lindsey. The site is washed over by Green Belt.

The dwelling forms part of a ribbon development and is set back substantially from the front boundary with the public highway. The site itself is outside the Conservation area but directly adjoins it's boundary to the east.

PLANNING HISTORY

2615 - Proposed Bungalow - Granted, 11th March 1958.

2615/A - Amendment to location of Cess Pit - Granted, 23rd May 1958.

2615/1 - Ground and first floor extensions - Granted.

W/15/0119 - Removal of existing dormered first floor and construction of new first floor over existing external footprint, new porch, ground floor extension and render - Refused, 25/3/15. The reason for refusal was due to the bulk and mass of the proposal and its design which radically altered the scale of the dwelling unacceptably impacting on the character and openness of the rural locality and comprising inappropriate development within the Green Belt. No very special circumstances were considered to exist to outweigh the harm.

W/15/1589 - Similar application for extensions to ground floor and removal of existing roof structure and formation of new pitched roof to enlarge the existing

first floor footprint, including raising existing ridge height refused by Planning Committee in accordance with officer's recommendation. The application was refused due to the proposal comprising a disproportionate which amounted to inappropriate development in the Green Belt.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE4 - Landscape (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Norton Lindsey Parish Council: Support application. The proposed development will enhance the street scene and be more in keeping with modern family living.

WCC Ecology: No objection, comments remain the same as those for application ref: W/15/1583.

Assessment

The main issues in the assessment of this proposal are:

- Whether the proposal would comprise appropriate development in the Green Belt, and if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified.
- Impact on the character of the surrounding area / Green Belt.
- Impact on the living conditions of the occupiers of neighbouring properties
- Ecology
- Energy Efficiency / CO2 reduction
- Health & Wellbeing

Principle of the development

The application site is washed over by Green Belt. The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. Para 87 of the NPPF states that inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed.

Paragraph 89 of the NPPF states with regards to extensions that the extension or alteration of a building (inter alia) where they do not result in disproportionate additions over and above the size of the original building will not be considered as inappropriate development within the Green Belt.

Policy RAP2 of the adopted Warwick District Local Plan 1996-2011 and Policy H14 of the emerging Warwick District Local Plan 2011 - 2029 seek to prevent "disproportionate" additions to dwellings in rural areas which substantially alter the scale, design and character of the original dwelling, in order to protect the landscape and character of rural areas. The subtext to these policies state development which would represent an increase of more than 30% of the gross floor space of the original dwelling (excluding any detached buildings) located within the Green Belt are likely to be considered disproportionate.

The application site, which is located within the Green Belt, comprises of a detached dwelling which was originally a single storey bungalow. The dwelling already benefits from ground floor and first floor dormer extensions.

The amended scheme has removed the ground floor extension which formed part of the previously refused scheme. However, the development still removes the dormer windows and reconfigure the roof including raising the main ridge line by 0.85m, creating a pitched roof which extends across the length of the property. The previous application which was refused included an increase in gross floor space at the first floor which was facilitated by the roof alterations which would have increased the gross floor space above the original dwelling by 212%. The agent contends that, as amended, there will be no increase in floor space above the existing dwelling and only an 8% increase in the surface of front elevation as the additional floor space in the roof space has been marked as a "void". However, it is considered that the creation of an internal void at first floor does nothing to reduce the bulk and mass of the proposal when compared to the previously refused scheme.

The original property has already been substantially extended and the impact on the Green Belt is not only assessed via a measure of the increase in gross floor space. Local Plan Policy RAP2 states that development which does not retain the openness of the rural area by significantly extending the visual impression of built development, or if the development would substantially alter the scale, design and character of the original dwelling this will be considered as harmful to the Green Belt. The proposal has removed some of the internal floor space from the previous application, however, the overall impression of the property including the overall bulk and mass, has not been reduced, providing a very similar scheme to that which was previously refused. The principle of the development therefore remains unacceptable.

It is considered that these extensions and alterations would significantly alter the original dwelling. The extensions would significantly alter the appearance of the dwelling and together with the design changes and increase in height to the roof, would leave no reference to the scale or design of the original dwelling. Together with the increase to the footprint, far beyond 30% from the original dwelling, the extensions are considered to result in a disproportionate addition which is harmful by definition and by reason of harm to openness.

Whilst the applicants' desire to 'update' the building is appreciated, it is considered that this could be undertaken in a manner which respects the scale and character of the original dwelling. Whilst the design of the existing dwelling is not of any particular architectural merit, it is not considered to be so visually intrusive to the surrounding area to constitute the very special circumstances required to outweigh the harm identified.

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

Impact on the character of the surrounding area / setting of the Conservation Area

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

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

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposed extensions will not retain the visual dominance of the original dwelling. The proposals will envelope the original dwelling and leave little trace as to what form the original dwelling took. The original dwelling was a modest single storey bungalow and although it is acknowledged that the dormer

windows added later are visually intrusive, the scale and design of the original dwelling can still be seen.

The extensions would result in a large block dwelling which would be substantially increased from the original and existing both in footprint and overall height and bulk.

The dwelling is set back from Wolverton Road, however, there are open views to the rear and due to level changes, the dwelling will be quite visible on the approach along Wolverton Road from the north. The site is adjacent to the Conservation area and will be viewed as a backdrop to adjacent buildings at The Laurels. However considering the design of the existing dwelling and positioning within the plot the proposals are considered to have a neutral impact on the setting of the Conservation Area.

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

Impact on neighbouring properties

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

To the west of the application site is an existing dwelling known as 'Kerry.' This dwelling is a single storey building with first floor accommodation provided in the roofspace.

To the side of the adjacent property 'Kerry' there are 3 windows, 2 of which serve habitable rooms (kitchen and dining room) and the central window is obscure glazed and serves a bathroom. The clear glazed windows, although they serve habitable rooms, are secondary windows with the primary sources of light to these rooms available on the front and rear elevation.

The window to the rear of the side elevation serves the kitchen, however, there is a conservatory to the rear which is open to the kitchen and also provides the main outlook for this room. The proposed extensions will not infringe on a 45-degree sightline from the rear of the conservatory.

There is a bedroom window at first floor level to the rear elevation and the proposed dwelling will infringe on a 45-degree sightline from this window. However, considering the existing relationship between these dwellings and that the proposed reconfigured dwelling is only 1 1/2 storey, the proposal is not considered to result in material harm that would be sufficient to warrant refusal of this application.

'The Laurels' is a residential dwelling located to the east of the application site. This dwelling is set some distance from the application site and there is no direct window-window relationship between these properties. The development will have some visual impact on the occupants of this property but this will not be significantly increased from that which already exists.

The proposal is therefore considered to accord with Policy DP2.

Ecology

County Ecology have commented on this application and a bat survey has been submitted. They have the same recommendations as those for previous application W/15/1583, that the survey carried out is satisfactory and a bat note should be attached to any approval. The proposal is therefore considered to comply with Policy DP3 of the Local Plan.

Energy Efficiency / CO2 reduction

The requirement to include energy efficiencies within the proposed development has been acknowledged. This is in accordance with Policy DP13 and the associated SPD and can be secured by condition.

Health and Wellbeing

There are no issues in relation to this application.

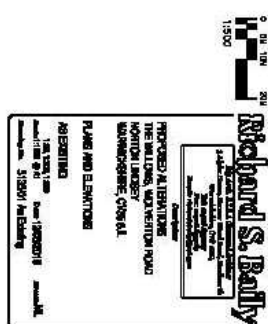
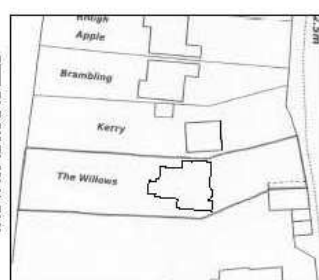
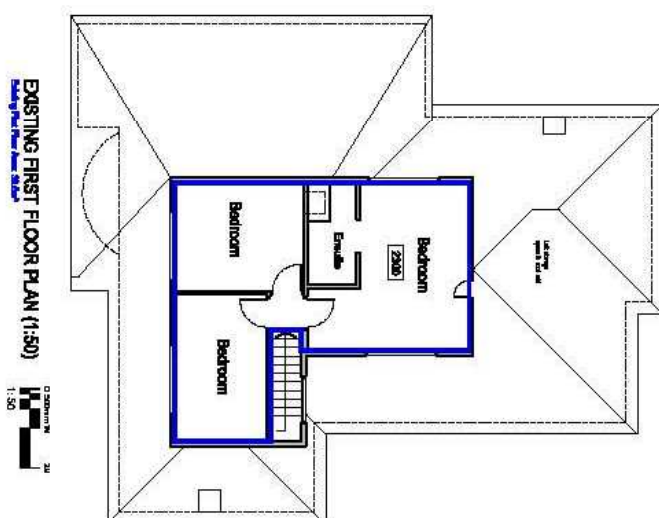
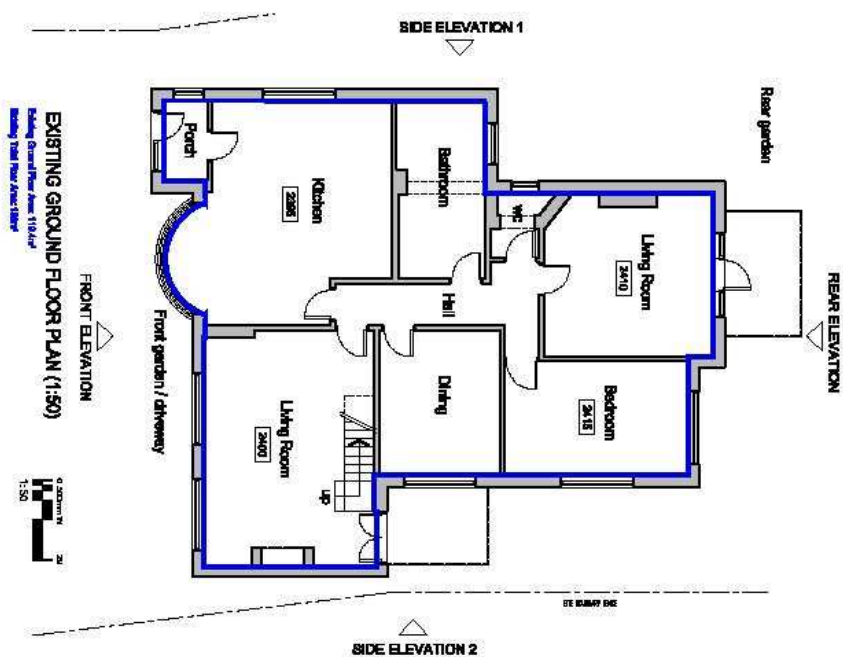
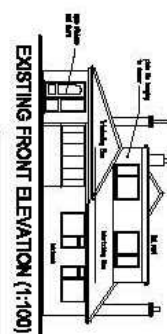
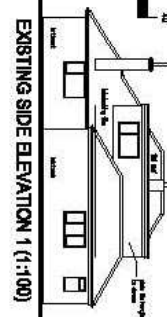
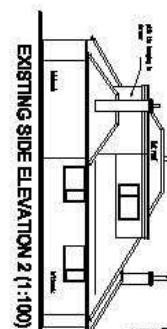
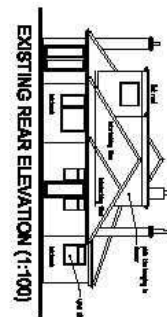
Summary/Conclusion

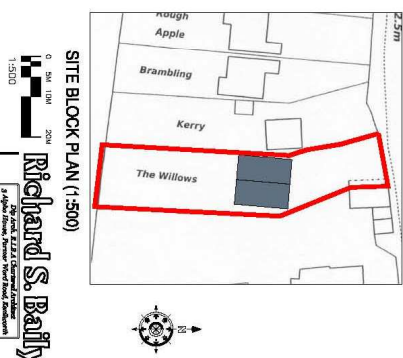
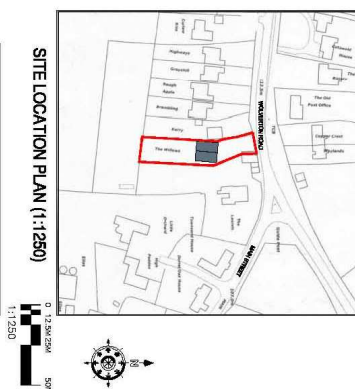
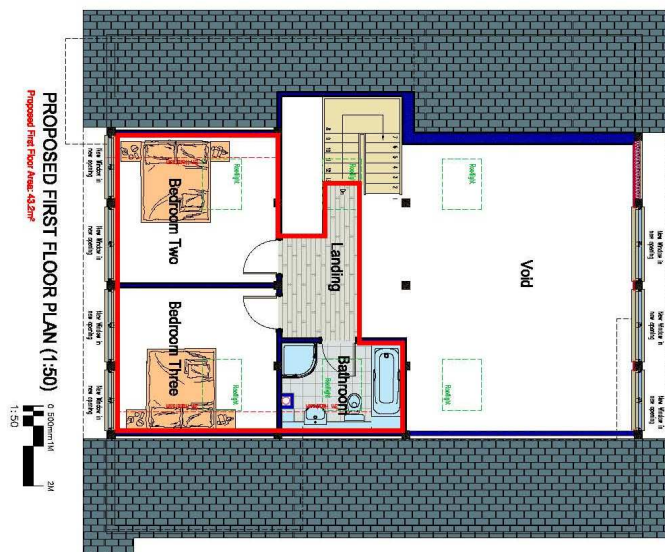
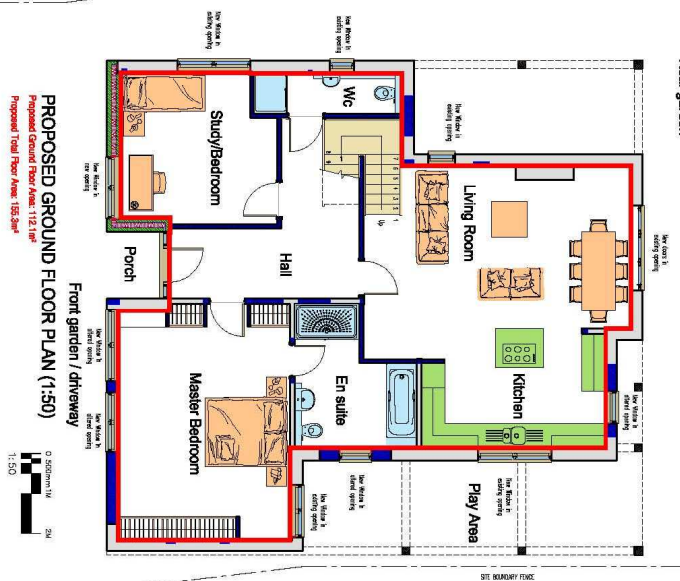
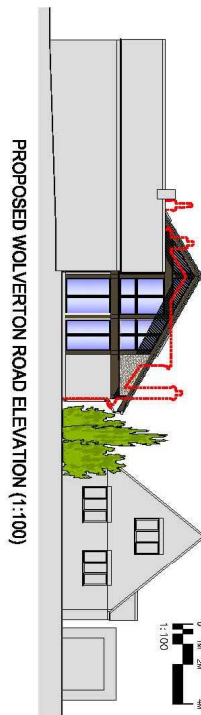
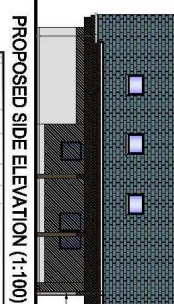
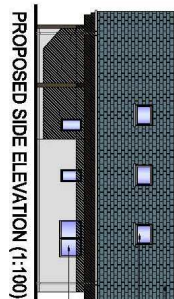
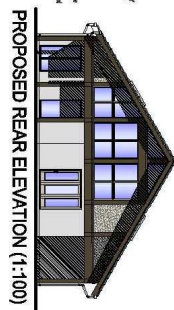
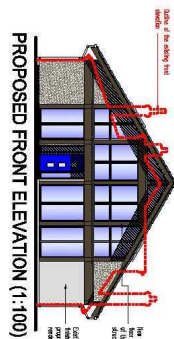
The proposal has not be significantly altered in design, bulk or mass from the previous application which was considered to constitute disproportionate additions and inappropriate development in the Green Belt harmful by definition and by harm to openness. For this reason, the same reason for refusal applies. The proposal is contrary to Policy RAP2 and the NPPF and no very special circumstances are considered to exist which outweigh the harm identified.

REFUSAL REASONS

- 1 The proposed development by reason of its scale, bulk and massing comprises a disproportionate addition to the dwelling and inappropriate development within the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified.

The proposed development is therefore contrary to the National Planning Policy Framework and to Policy RAP2 of the Warwick District Local Plan 1996 - 2011.



[illegible]

Planning Committee: 21 June 2016

Item Number: 12

Application No: W 15 / 1871

Town/Parish Council: Kenilworth

Case Officer:

Liam D'Onofrio

01926 456527 liam.donofrio@warwickdc.gov.uk

Registration Date: 07/04/16

Expiry Date: 02/06/16

39 High Street, Kenilworth, CV8 1LY

Demolition of existing dwelling in a Conservation Area and erection of replacement dwelling and extension to rear to form single dwelling to Passivhaus standards. FOR Mr & Mrs Whiting

This application is being presented to Planning Committee due to the applicant being a District Councillor.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the demolition of the existing, structurally unsound, dwellinghouse and its replacement to matching proportions and design with contemporary rear extensions to Passivhaus standards.

The Design and Access Statement divides the project into three distinct elements:

1 - The reconstruction of the existing dwelling, keeping the heights, shape, pitched roof, and its finishes of render for walls and tiles for the roof. The proportions of the openings are also kept. Access to the dwelling is changed; the new access is shifted backwards and to the side, providing enhanced privacy and security. The current single storey, incongruous extension will be removed.

2 - The connector - this area is responsible for connecting the replacement dwelling to the rear part of the house. It will be a flat roofed volume, which it contains the main entrance and circulation of the house. It receives a different treatment in terms of finishes and massing to differentiate it from the rest of the construction. On one side is a glazed panel to supply light. The opposite façade, facing the public path, will be clad in red sandstone.

3 - The rear volume - The ground floor of this section of the house includes the social areas while bedrooms and services will be placed on the lower ground floor. It is also a flat roofed design [a pitched roof above the lounge area having been removed to limit the impact upon the views from High Street/The Pound to the south]. The rear façade will present large windows to capture and maximize light and minimize heat loss through high quality triple glazed windows. This

area provides a connection with the Abbey Fields beyond. The simple lines and the restrained detailing lean towards a low key proposal drawing on local materials utilized in a contemporary way.

Access to the building will be from the High Street as well as via the side vehicular access.

THE SITE AND ITS LOCATION

The application site relates to a two-storey dwellinghouse fronting the southern side of High Street within the urban area of Kenilworth and its Conservation Area. The eastern boundary of the site adjoins 'The Pound' which is understood to date back to 1642 when it was used to house stray animals and has recently been refurbished as a memorial garden. The application site also returns along the southern boundary of The Pound, which is formed by a retaining wall due to the changing land levels, which fall from High Street to the south. No.37 to the east of The pound is listed, as are properties opposite the site on the northern side of High Street. Abbey Fields, a Scheduled Ancient Monument is located to the south and a gated strip of open space runs along the western site boundary.

PLANNING HISTORY

None relevant.

RELEVANT POLICIES

- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection. Members commented that they have no reason to object to the principle of this new property on this sensitive site and indeed welcomed the care that is being taken with the design and the need to consult expert opinion on heritage and archaeology.

Members commented on a number of details in the application: The proposal on the High Street appears to be to replace the wall on exactly the same footprint. The existing footway at the NE corner is very narrow being only 870mm wide which is difficult for wheel-chairs, pushchairs and similar pedestrian use. It is suggested that the whole development be moved bodily so that the footway is at least 1000mm wide or to an appropriate standard. This would have minimal impact on the street scene but be much safer for pedestrians.

The status of the vehicle access route on the west side is unclear. It is currently a long-established public pedestrian access route into Abbey Fields with an old iron swing gate at the end. This situation needs to be resolved as there is clearly danger in mixing vehicles and pedestrians in a narrow roadway. Furthermore the access through the sliding gate at the end appears too narrow for a family car to turn in from the path. Members also commented that any rebuilding of boundary walls should ensure the view from the Pound is not further diminished

WCC Highways: No objection.

WCC Archaeology: Comments awaited, following submission of requested archaeological evaluation.

WCC Ecology: No objection, subject to conditions.

WCC Public Rights of Way: No objection. There are no recorded public rights of way crossing or immediately abutting the application site. The Rights of Way team therefore has no objection to the proposals.

CAF: Greater contextual analysis is needed to understand the impact of the proposed development on the High Street and on Abbey Fields - and to justify the volume of the proposed building and its design. This should include analysis of views through and over the site. The proposed elevation treatment was also

questioned – particularly the extent of glass. [An analysis has been carried out with amendments made to the original scheme].

Ancient Monuments Society: No objection, defer to Historic England.

Historic England: No objection. On balance the proposal causes an acceptable level of harm to the monument alongside achieving preservation of the adjacent pound and enhancing the street frontage of the High Street.

Community Protection: No objection.

Public Response: Four letters of objection raising the following concerns (original before validation):

- Proposal will intrude into the space of Abbey Fields and obstruct footpath access.
- Scale/type of development is totally inappropriate; overdevelopment.
- Impact upon Abbey Fields and the St Nicholas cemetery and also views back towards the Medieval High Street and its row of historic buildings.
- Out of character, contemporary design.
- Concern regarding impact upon The Pound, adjoining historic site.
- The plans show the demolished building is NOT being built exactly as per the existing footprint. The lean too, on the right, looking from the road, is being replaced by a concrete driveway, replacing the existing wild flower walkway down to Abbey Fields.
- Highway safety concerns.

One letter received in support of an innovative, eco-friendly development.

ASSESSMENT

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

- Impact on heritage assets;
- Siting and design;
- Neighbouring amenity;
- Ecology/landscaping;
- Archaeology;
- Car parking and Highway safety;
- Renewables;
- Health and Wellbeing.

Impact upon heritage assets

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. Section 72 imposes a duty that regard should be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. including their setting.

The existing building at No.39 High Street makes a positive contribution to the character and appearance of the Conservation Area and Local Plan Policy DAP9

states that there is a presumption in favour of the retention of such non-listed buildings.

The application has been submitted with a structural survey and the applicant advises that the property is within an advanced state of disrepair, which is visually evident following the officer site visit. It is proposed to demolish and rebuild the building reproducing the same external shell in terms of heights, volumes, and materials. Although the loss of the original building is unfortunate the investment into the site and the replacement of this structurally unsound building is considered to be a positive enhancement to the character and appearance of the Conservation Area in accordance with Policies DAP8 and DAP9 of the Local Plan.

Historic England state their main concern is the impact the building will have upon the setting of the Abbey and the physical impact it will have on any remains. Historic England consider that the development can be achieved with minimal harmful impact upon the ancient monument. The new vehicular access and new property boundary wall will be within the monument. A separate Scheduled Monument Consent will also be required prior to any works commencing, which has been raised with the applicant. Historic England comment that, on balance, the proposal causes an acceptable level of harm to the monument alongside achieving preservation of the adjacent pound and enhancing the street frontage of the High Street.

Siting and design

The proposed replacement of the existing building fronting High Street will be with accurate re-production (minus a later lean-to of little merit) that will replicate the attractive character of the existing building and the positive contribution it provides to the Conservation Area. The Town Council's comments regarding the re-positioning of the dwelling further back to widen the footway are noted, however, such land would still not form public highway. The footpath narrows for only a short section and this forward projecting building adds to the visual interest and setting of this part of the Conservation Area.

There was concern that the visual impact of the proposed rear extension would be harmful to the appearance of the Conservation Area, due to it blocking an attractive view of Abbey Fields from High Street and The Pound, severing their visual relationship from an important viewing point and, as such, failing to preserve or enhance the appearance of the Conservation Area.

The scheme has been amended and it no longer includes a pitched roof abutting The Pound, which helps to retain an open aspect from the High Street. Following a detailed analysis of views from Abbey Fields, the elevations have been simplified and improved and with effective use being made of natural sandstone and brick the extension will have the appearance of a pavilion viewed from the park. The revised scheme is considered to be of a distinctive Passivhaus design, which will respect the character and appearance setting of the Conservation Area and other heritage assets.

Conditions are suggested to agree details of elevational materials and garage doors. Lantern lights, flue and rainwater goods should be finished in black painted metal.

Neighbouring amenity

The proposed development will not breach the 45-degree sightline when measured from adjoining properties. There is a side-facing window within No.37 High Street, however, this is obscure glazed. The scheme is not therefore considered to result in any significant impact upon the amenities of the occupiers of surrounding properties in accordance with Policy DP2.

Ecology/landscaping

The County Ecologist requested a preliminary ecological appraisal, which was subsequently completed and submitted.

The County Ecologist states that the survey was carried out in accordance with appropriate methodology. No evidence of bats was found in the building, although it was impossible to fully inspect the loft due to health and safety reasons. As the building contains numerous gaps that can be used as access points for roosting bats the Ecologist agrees with the recommendations in the report that further activity survey work is required to determine presence/absence of roosting bats in the building.

The Ecologist was uncertain that should roof-void species be found in the activity survey work, that they could be accommodated within the new design. As the new building will replicate the existing, which has a roof void, there is scope to agree a solution through condition.

The County Ecologist notes that according to the findings in the report the application site can be used by nesting birds, amphibians and potentially reptiles and hedgehogs. It is therefore recommended that a method statement is submitted outlining protection measures to be taken to safeguard these species during works.

The Ecosite 'Abbey Fields, Kenilworth' 68/27 crosses the north-west area of application site and this Ecosite is also adjacent to the south boundary of the application site. The proposed development should not affect any existing mature landscaping within this area.

Archaeology

An archaeological evaluation requested by the County Archaeologist has been subsequently submitted by the applicant. The County Archaeologist has verbally confirmed that the proposal is acceptable subject to conditions. The written response of the County Archaeologist will be updated to Members at the meeting.

Car Parking and Highway Safety

The Highway Authority have raised no objection to the scheme. The Highway Authority note that although the Design and Access Statement makes numerous references to the strip of land to the western part of the site being the vehicular access to the property it is not entirely clear whether this has historically been used as a vehicular access for the property. There is potential for this route to be used either purely as an access to the proposed parking to the rear of the site or to provide off street parking. The existing width of the route is narrow in terms of providing a parking space(s). Where parking spaces are provided between boundaries (walls/fences) then 3.5 metres width should be available for ease of access to the car for the driver and the loading/unloading of passengers, etc. The Highway Authority note, however, that the removal of the existing side extension will provide better accessibility to address these concerns and also better visibility.

The Highway Authority note that the access into the rear parking area from the access would require multiple manoeuvres to be undertaken in order to enter the access route in a forward gear. However, High Street is within the K3 Residents Parking Zone (RPZ) and the property will currently be eligible to apply for residents parking permits. Therefore whilst the proposal includes for off-site parking provision albeit there are deficiencies in these provisions, the proposed development will not change the fact that the property already has the option of utilising the on-street parking provision. The Highway Authority do not propose any conditions.

Local residents have raised concern regarding the footpath within the application site will be blocked by parked vehicles. The County Rights of Way Team have confirmed that there are no recorded public rights of way crossing or immediately abutting the application site and that they therefore has no objection to the proposals. The path is not recorded as public right of way on the Definitive Map. The Definitive Map is conclusive evidence of the routes it shows however additional routes may be existence that are not yet shown on the Map. The fact that a public right of way is not recorded on the Map does not mean that it does not exist.

Renewables

The proposal to renovate and extend the site has been conceived as a Passivhaus project, which is a very high standard of energy efficiency, exceeding UK Building Regulations. As such the scheme will meet and exceed the Council's 10% requirement for reducing CO2 emissions and complies with Policy DP13 and the associated SPD.

Health and Wellbeing

The rear wall to The Pound will be affected by the development. It is understood that the development cannot be constructed without strengthening this boundary wall, as the wall has insufficient foundations. It will therefore be necessary to apply a planning condition to secure the reconstruction of the pound wall with improved foundations as the proposed works would otherwise affect its structural stability and could present a health and safety issue.

No other health or well-being issues are raised.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority the demolition of a non-listed building and its replacement with extensions is considered to be acceptable and will not result in any significant impact upon the streetscene, setting of the conservation area and other heritage assets, neighbouring amenity or highway safety in accordance with the policies listed.

CONDITIONS

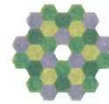
- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) PL03B, PL04A, PL05A, PL06A and specification contained therein, submitted on 10/11/15 and 07/04/16. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DAP8 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 Before development hereby approved commences details must be submitted to and approved in writing by the Local Planning Authority showing: (a) elevational brick and sandstone materials and roof tiles for the replacement element; (b) 1:10 drawings of garage doors; (c) rain water goods, flue and lantern lights to be finished in black painted metal. Thereafter the development shall be carried out in accordance with the approved details. **REASON:** To ensure an appropriate character and appearance of the development in accordance with Policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011.
- 4 No development (including demolition) shall commence unless and until a survey for the presence of bats has been carried out by a qualified surveyor, and has been submitted to and approved in writing by the local planning authority. Should the presence of bats be found then no demolition shall take place until full details of measures for bat migration and conservation have been submitted to and approved by the local planning authority. These measures should include: a) inspection of existing buildings on site within one month prior to their demolition to determine presence or absence of roosting or hibernating bats; b) no building containing bats shall be demolished until bats have been safely excluded using measures as have been previously submitted to and approved in writing by the local planning authority; c) provision of a new bat roost/hibernacula constructed to a design and in a location previously approved in writing by the local planning authority; d) provision of new bat roost/hibernacula within new

construction. The works shall be implemented in strict accordance with the approved details and timing of works, unless otherwise approved in writing by the local planning authority and once undertaken the works shall not be removed or altered in any way without the prior written approval of the local planning authority. **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.

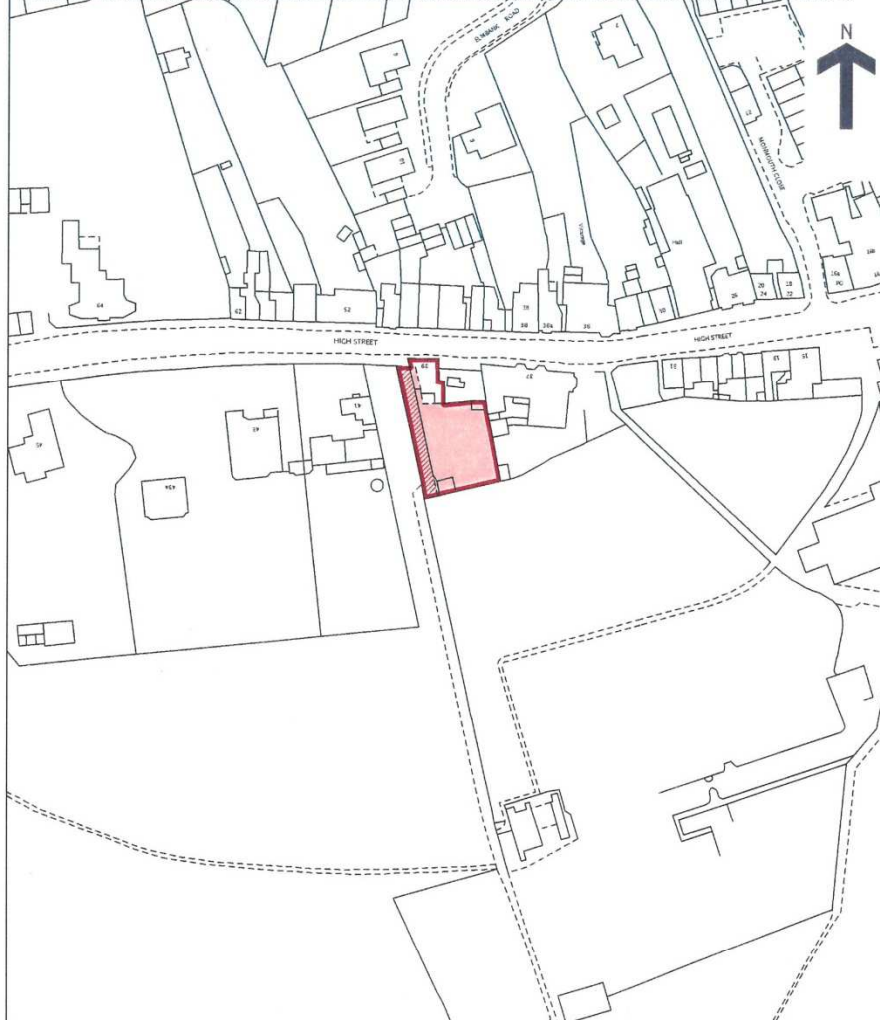
- 5 The development hereby permitted (including ground clearance works) shall not commence until a protected and notable species method statement for reptiles, amphibians, nesting birds and hedgehog (to include timing of works, supervision of vegetation clearance and reasonable avoidance measures) has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full. **REASON:** To 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.
- 6 The development hereby permitted shall not commence unless and until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing how the southern wall to The Pound will be stabilised or reconstructed with deeper foundations, as necessary, to accommodate the proposed development. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure that the development does not compromise the structural stability of The Pound retaining wall in the interests of health and safety and Policy DP2 of the Warwick District Local Plan 1996-2011.
- 7 The development hereby permitted shall not be first occupied unless and until the fabric first scheme submitted as part of the application has been wholly implemented to meet (or exceed) a reduction of at least 10% of the CO² emissions through the initial construction methods proposed. **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.
- 8 All window and door frames within the replacement dwelling element of the scheme shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

Land Registry
Current title plan

Title number **WK412092**
Ordnance Survey map reference **SP2872SW**
Scale **1:1250**
Administrative area **Warwickshire : Warwick**



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This title is dealt with by Land Registry, Gloucester Office.



Town/Parish Council: Burton Green

Case Officer: Debbie Prince

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Land at 3 Hodgetts Lane, Burton Green, Kenilworth, CV8 1PH

Applications for Certificates of Appropriate Alternative Development.

LAND COMPENSATION ACT 1961, SECTION 17 AS SUBSTITUTED BY SECTION 63
OF THE PLANNING AND COMPENSATION ACT 1991

1. The demolition of the existing dwelling and the erection of a pair of semi-detached dwellings.
2. The demolition of the existing dwelling and its replacement with two detached properties.

.....
These applications have been made by Mr and Mrs Cook, the owners of 3 Hodgetts Lane, a property which is being compulsorily purchased by HS2 Ltd.

RECOMMENDATION

Planning Committee are recommended to certify that planning permission would be granted subject to conditions in respect of the proposals the subject of this report.

BACKGROUND

The proposals the subject of this report arise from legislation which has been enacted to facilitate the delivery of the HS2 proposal and in particular are designed to assist homeowners 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 does not comprise a planning permission and does not permit development to be undertaken. Rather, it is intended to identify development which is considered to be acceptable and likely to obtain planning permission (were an application to be made) in order to assist in the valuation (for the purpose of compulsory purchase) of the property in question.

An application for a certificate can only be made by persons owning the land or property in question or the Authority making the compulsory purchase, in this case HS2. Where a Certificate is granted, it relates to the principle of a proposal only and for that reason the legislation does not require applicants to submit detailed plans.

Similarly, there is no requirement for the Local Planning Authority to undertake any of the usual consultation or publicity and the proposal should

be considered under “normal” circumstances (i.e. without considering the HS2 proposal) taking into account the relevant material considerations.

THE SITE AND ITS LOCATION

The application property is a large detached 1960’s, 3 bedroomed bungalow with an attached garage, set within a sizeable plot on the west side of Hodgetts Lane in the village of Burton Green.

The village currently lies within the Green Belt however the emerging Local Plan proposes its removal. Hodgetts Lane has a diverse street scene, comprising of both one and two storey properties of various ages and designs.

The property is being Compulsorily Purchased by HS2 Ltd for the construction of the high speed railway line.

RELEVANT PLANNING HISTORY

N/A

RELEVANT POLICIES

- The National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- RAP3 – Replacement Dwellings (Warwick District Local Plan 1996 – 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 – Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS19 - Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H13- Replacement Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029 – Publication Draft)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

N/A

ASSESSMENT

Proposal 1.

1. The demolition of the existing bungalow and the erection of a pair of semi-detached dwellings.

The Principle of the Development

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

- Green Belt policy and the impact on the openness and rural character of the Green Belt
- Impact on the character and appearance of the area
- Impact on the living conditions of nearby dwellings
- Highways and Parking
- Energy Efficiency.

The Impact within the Green Belt

The National Planning Policy Framework (NPPF) states that the construction of new buildings is inappropriate development in the Green Belt, unless it is development falling within one of the various categories listed as exceptions.

The replacement of a building is identified as an exception within the NPPF para.89, which would support the demolition and replacement of the existing bungalow. This is subject to the new building not being *materially larger* than the one it replaces. A Certificate of Appropriate Alternative Development (CAAD) has already been issued for the replacement of the bungalow with one, two storey dwelling recognising that whilst the proposal is for a two storey building to replace the existing single storey bungalow, there could be a corresponding reduction in footprint to compensate for the increased height. Local Plan Policy RAP3 'Replacement Dwellings' sets out further criteria for replacement dwellings and there is an accepted increase allowance of 30% for additions to an *original*

dwelling house (which reflects LP Policy RAP2). Provided that the first proposed dwelling was not materially larger than the existing building as discussed above, it is considered the proposal would have no greater impact on the Green Belt and would not comprise inappropriate development. This can be secured by condition.

Limited infilling in villages comprises a further exception to inappropriate development in the Green Belt. The application site falls within the Burton Green Village infill boundary, as defined on the emerging Local Plans Proposals Map. The application site is between built form and the second proposed dwelling house will sit within the general pattern of development fronting the highway. Whilst there is no definition of 'limited infill' within the framework the insertion of one new unit and one replacement unit is considered to meet this definition.

The proposal for a further dwelling within the site would therefore fall within the category of 'limited infilling in villages' in the NPPF. Consequently it is concluded that the proposal would not be inappropriate development in the Green Belt. There is therefore no need to consider whether there are other considerations amounting to very special circumstances.

This element of the scheme is therefore considered to be acceptable in principle.

Siting and design

There is capacity for the proposed dwellings to be generally well sited within the existing pattern of development, fronting the highway with adequate gaps retained between the dwelling houses and the side boundaries to neighbouring plots.

The Impact on the Character and Appearance of the Area

The street scene is made up of both single and two storey properties. Therefore it is considered that there would be no adverse impact on the street scene if the replacement dwellings were to be two storey.

The Impact on Living Conditions of Nearby Dwellings

The application property shares its northern boundary with 5 Hodgetts Lane, which is one of a pair of two storey semi-detached houses. On the southern boundary lies 1 Hodgetts Lane, which is a detached bungalow. 3 Hodgetts lane lies slightly forward of both properties, nevertheless it is considered that subject to conditions regarding the positioning and treatment of any new windows or rooflights, there would not be any unacceptable overlooking or adverse impact on the privacy of adjoining neighbours.

Parking

It is considered, the plot is of adequate size to provide for off road parking in accordance with the Council's current parking standards together with two dwellings and adequate amenity space.

Energy Efficiency

The proposal gives rise to an important opportunity to replace a 40 year old building with a much more energy efficient dwelling. The new property would need to be built in accordance with the Councils' sustainable building requirements as prescribed in policy DP13 and this is covered by condition.

Health and Wellbeing

N/A

Conditions

It is considered that should a planning application be submitted in respect of this proposal, that planning conditions would be imposed in respect of:-

1. The timescale for the commencement of development.
2. The provision of further details of the design and layout, etc. of the proposal including details of materials where appropriate.
3. Appropriate ecological survey work and remedial measures..
4. The provision of an appropriate level of renewable energy/CO2 emissions.
5. The removal of permitted development rights relating to extensions and outbuildings.

Proposal 2: The demolition of the existing bungalow and its replacement with two detached properties.

The Principle of the Development

The main issues relevant to the consideration of this proposal are the same as for the proposal set out above.

The Impact within the Green Belt

It is considered that the combination of the replacement of the bungalow with a 2 storey detached dwelling and the provision of an additional detached dwelling as limited infilling would not comprise inappropriate development within the Green Belt and in that respect would therefore be acceptable in principle.

Siting and design

The proposed dwellings would be capable of being generally well sited within the existing pattern of development, fronting the highway with adequate gaps retained between the dwelling houses and the side boundaries to neighbouring plots.

The Impact on the Character and Appearance of the Area

It is considered that a scheme could be brought forward which would not adversely impact within the street scene.

The Impact on Living Conditions of Nearby Dwellings

The application property shares boundaries with two other residential properties. The dwellings would need to be designed to have minimum impact on these neighbours amenity, which can be a condition of the approval.

Parking and Highway Safety

It is considered, the plot is of adequate size to provide for off road parking in accordance with the Council's current parking standards together with two dwellings and adequate amenity space.

Energy Efficiency

The proposal gives rise to an important opportunity to replace a 40 year old building with a much more energy efficient dwelling. The new property would need to be built in accordance with the Councils' sustainable building requirements as prescribed in policy DP13 and this is covered by condition.

Health and Wellbeing

N/A

Conditions

It is considered that should a planning application be submitted in respect of this proposal, that planning conditions would be imposed in respect of:-

1. The timescale for the commencement of development.
2. The provision of further details of the design and layout, etc. of the proposal including details of materials where appropriate.
3. Appropriate ecological survey work and remedial measures..
4. The provision of an appropriate level of renewable energy/CO2 emissions.
5. The removal of permitted development rights relating to extensions and outbuildings.

Conclusion

It is considered that were planning applications submitted for the 2 proposals the subject of this report, schemes could be brought forward which would be acceptable in planning terms and in respect of which planning permission would therefore be granted. Planning Committee are therefore recommended to agree to the issue of the Certificates.



Case Officer: Gary Fisher

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**Annual Review of the WDC Conservation Advisory Forum (CAF)
Recommendations for Changes to the CAF Constitution**

PURPOSE OF REPORT

This report updates Members on the Annual Review of the WDC Conservation Advisory Forum (CAF), and makes recommendations for revisions to the way in which CAF operates.

RECOMMENDATION

Planning Committee is recommended to agree the following amendments to the operation of CAF and its Constitution:

- 1: CAF will meet once a calendar month in a room provided free of charge by the Council at Riverside House, (nominally Room 2.37), between 17.30 hrs and 19.00 hrs. (The Constitution previously specified CAF would meet every three weeks at the Town Hall).
- 2: Around four schemes will normally be considered at CAF meetings to fit within the allocated meeting time.
- 3: It is proposed that officers will continue to attend CAF meetings and will provide the agenda but that the minutes are done on a rota basis, shared between members of CAF. This will be reviewed again at the next Annual Review.

BACKGROUND

The purpose of CAF is to assist in protecting and enhancing the District's special historic and architectural character.

The Constitution for CAF requires that the Council's Development Manager will measure the effectiveness of the Forum in delivering its purpose, and undertake an Annual Review of its membership and operation.

(The Constitution for CAF is provided in Appendix 1).

The purpose of the Annual Report is to demonstrate the Forum's performance over the previous year.

The last review of CAF was undertaken in April 2012. Given the four-year gap, and the need for all services to consider how cost-savings can be made,

fundamental questions have been asked whether CAF should continue in its present form.

The Head of Development Services, the Development Manager, and the Principal Conservation Officer, have held two meetings with Members of CAF, as part of the review process.

It should be noted that any amendments to the CAF Constitution must receive approval by Planning Committee.

ANNUAL REVIEW

April 2015 – March 2016:

CAF met on ten occasions during the last year and provided advice on 49 schemes (43 submitted applications, and 6 pre-application schemes). All meeting were held within Leamington Town Hall.

The following representatives are members of CAF:

Councillor Mrs P Cain (Chair), (WDC)
Councillor R Edgington (Vice-Chair), (WDC)
Mrs R Bennion (CLARA)
Mr P Edwards (Leamington Society)
Mr N Stephens (Royal Leamington Spa Chamber of Trade)
Mr M Sullivan (Royal Town Planning Institute)
Mr M Baxter (The Victorian Society)
Cllr G Cain (Kenilworth Society)
Mr J Mackay (Warwick Society)
Dr C Hodgetts (Warwickshire Gardens Trust)
Mr A Pitts (The Twentieth Century Society)
Mrs Kimberley (CPRE)
Mr Poole (Warwick Rural West)
Mr R Ward (RIBA)

The following organisations are invited to attend CAF but did not attend in the last year:

The Whitnash Society
Warwick Rural West
The Georgian Group
Leamington Chamber of Trade
Warwick Chamber of Trade
Kenilworth Chamber of Trade
The Rural Community of Forums

THE OPERATION OF CAF AND ITS CONSTITUTION

Warwick District Council benefits from the free expert advice provided by CAF, and CAF enables the Council to work collaboratively with a range of community and professional organisations with specialist conservation knowledge. In return, the Council meets CAF's operational costs, including officer time to attend and

administer their meetings (preparation of agenda, assembling a presentation of schemes, and writing up the minutes), room hire, and provision of sandwiches and refreshments.

Given the challenging climate of financial cuts which have impacted across all areas of the Council, various options have been considered to reduce the Council's costs incurred in supporting CAF. Three possible options have been identified:

- 1: No change; CAF continues to operate as existing
- 2: The Council withdraws its financial support, and CAF would have to continue on an independent basis
- 3: The Council continues to support CAF in a more streamlined way and with reduced costs

Following discussion with Members of CAF, officers have identified the following cost savings that could be delivered with Option 3:

Location of CAF Meetings

Existing: The Council currently provides the Council Chamber, Leamington Town Hall, free of charge, forgoing potential commercial booking income of £43.50 per hour.

Proposed: The use of Room 2.37 is proposed, next to The Space, at the Council's offices at Riverside House. This room seats up to 20, has IT equipment including a digital screen, and access to free car parking.

Officer time

Existing: The Council covers the cost of officer time spent attending CAF meetings (meetings can be up to 3 hours), producing the agenda, writing minutes, booking the room etc.

Proposed: The duration of the CAF meeting is proposed to be reduced to 1.5 hours, (finishing prior to 19.00 hrs, when Riverside House closes). Furthermore, the number of schemes considered in any one meeting is proposed to be in the region of four, all of which will result in a significant cost saving in officer time.

It is proposed that officers will continue to provide the agenda but the minutes are done by Members of CAF on a rota basis. This will be reviewed again at the next Annual Review.

Provision of refreshments

Existing: Sandwiches and drinks are provided at a cost of £5.25 per head, (£52.50 per meeting).

Proposed: The shorter meetings and earlier finishing time mean that sandwiches and refreshments are not needed, (use can also be made of the pay-as-you-go staff canteen in The Space). This amendment does not require a change to the CAF Constitution.

SUMMARY

Planning Committee are requested to agree the amendments to the Constitution and operation of CAF, as identified under option 3, which will allow the Council to continue supporting CAF, in a more streamlined and cost-effective way.

NOTE

The contents of this report were presented to CAF at their meeting on 19th May 2016.

Appendix 1

Warwick District Council Conservation Advisory Forum Constitution

Purpose & Role

The purpose of the Conservation Advisory Forum is to assist in protecting and enhancing the District's special historic and architectural character

The role of the Conservation Advisory Forum is therefore:

1. To provide expert, constructive, impartial advice on historic buildings and their use, historic landscapes, and Conservation Areas to:
 - a. potential applicants and the Council at the pre-application stage (before submission) of an application that may affect the historic environment;
 - b. applicants and the Council (including the right to speak at Planning Committee on any item) by commenting on planning, listed building, conservation, advertisement, and tree applications that may affect the historic environment;
 - c. the Council and other bodies, such as Town and Parish Councils, on the designation of the historic environment, and formulation of policy and guidance relevant to the historic environment;
 - d. the Planning Inspectorate when determining appeals for planning and listed building applications that may affect the historic environment; and,
 - e. the Council and other statutory bodies when undertaking works under their statutory powers that may affect the historic environment.
2. To draw the Council's attention to possible unauthorised works to the historic environment; and,
3. To provide a forum for the sharing of knowledge and experience of best practice in relation to the historic environment between members of the Forum, officers of the Council and developers.

The Forum is an informal consultative body organised by Warwick District Council.

Membership & Roles

The Forum will consist of the following members:

1. Two elected Members of Warwick District Council who have an interest in the historic environment and planning matters.
Their role is to Chair and Vice Chair the Forum, give legitimacy to the Forum, inform its views through sharing their knowledge, and help develop their experience of the historic environment and planning matters.

The Chair of the Forum shall also act as the Council's Heritage Champion in promoting the historic environment both within the Council and the wider community. The Vice Chair shall be a Member with a desire to have a future involvement in Planning matters.

Elected Members may feedback the views of the Forum to District Council Ward Members as appropriate to individual cases.

2. One representative from each of the following organisations who will be invited to represent the views of that organisation on the historic environment at the Forum:
 - a. Leamington Society
 - b. Warwick Society
 - c. Kenilworth Society
 - d. Whitnash Society
 - e. Victorian Society
 - f. Georgian Group
 - g. Twentieth Century Society
 - h. Warwickshire Gardens Trust
 - i. Central Leamington Area Residents Association
 - j. Royal Town Planning Institute
 - k. Royal Institute of British Architects
 - l. Royal Institute of Chartered Surveyors
 - m. Royal Leamington Spa Chamber of Trade
 - n. Warwick Chamber of Trade
 - o. Kenilworth Chamber of Trade
 - p. Campaign to Protect Rural England
 - q. Representative of the Rural Community Forums

Elected Members and representatives will be allowed to nominate a substitute to carry out their duties in the event of them being unable to attend a Forum meeting. A meeting will only be considered quorate if at least one elected Member and five representatives are in attendance.

Operation of the Forum

The Forum will normally meet every three weeks at the Town Hall.

The Forum is not a public meeting and members of the public will not be allowed to attend.

The Forum will be facilitated by officers from Development Services who will:

- a. prepare and distribute an agenda for each meeting;
 - b. arrange for any invited participants to attend the Forum to present items, in accordance with criteria a, c and e of the agreed purpose and role of the Forum above;
 - c. present items to the Forum for their consideration;
 - d. record the consensus view (or opposing views where there is no consensus) of the Forum and feed this back to the Council or other relevant organisation as appropriate; and,
 - e. publish the agenda and record of the meeting on the Council's website.
- The more detailed operation of the Forum shall be agreed by the Chair and Vice Chair, in consultation with the Forum and the Development Manager.

Annual Review of the Forum

The Development Manager will measure the effectiveness of the Forum in delivering its purpose, and undertake an annual review of its membership and operation with the Forum.

An Annual Report demonstrating the Forum's performance over the previous year and the output of the above review will be reported to the Forum, before being reported to the Planning Committee. Any amendments to the Constitution must receive approval by the Planning Committee, or its successors.