

Planning Committee

Tuesday 20 October 2020

An additional meeting of the above Committee will be held remotely on Tuesday 20 October 2020, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor Boad (Chairman)
Councillor Morris (Vice Chairman)

Councillor M Ashford
Councillor R Dickson
Councillor T Heath
Councillor O Jacques
Councillor J Kennedy

Councillor V Leigh-Hunt
Councillor N Murphy
Councillor N Tangri
Councillor J Weber

Agenda

Part A – General

1. Apologies & Substitutes

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

2. Declarations of Interest

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

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

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

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

3. Site Visits

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

Part B – Planning Applications

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

4. **HS2/CAAD 20/01 - Application for Certificate of Appropriate Alternative Development, Kenilworth Golf Course**
(Pages 1 to 3)
5. **W/20/0805 – Allotment Site North of the Fairways and Northumberland Road, Royal Leamington Spa**
(Pages 1 to 6)
6. *****WITHDRAWN*** W/20/1009 – 17 Woodland Road, Kenilworth**
Following publication of the agenda, the Town Council have withdrawn their objection. The item has therefore been removed from the agenda and a decision will be made under delegation.
7. **W/20/1068 – 38 Rawnsley Drive, Kenilworth**
(Pages 1 to 3)
8. **W/20/1155 – Units 3 and 5a, Princes Drive, Kenilworth**
(Pages 1 to 5)

Please note:

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

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

Telephone: 01926 456114
E-Mail: committee@warwickdc.gov.uk

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

Details of all the **Council's committees, councillors and agenda papers** are available via
our website on the [Committees page](#)

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

Planning Committee: 20 October 2020

Item Number: 4

Town/Parish Council: Kenilworth

Case Officer: Debbie Prince
01926 456529 debbie.prince@warwickdc.gov.uk

Application for Certificate of Appropriate Alternative Development

Land Compensation Act 1961, Section 17, as substituted by Section 63 of the Planning and Compensation Act 1991

Change of Use of land from agriculture to an extension to Kenilworth Golf Course.

This application has been made by Mr Jim McCarthy, Club President of Kenilworth Golf Club, where land is being compulsorily purchased by HS2 Ltd.

Recommendation

Planning Committee are recommended to authorise the issuing of a Certificate of Appropriate Alternative Development.

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 and landowners in realising an appropriate financial return upon the compulsory purchase of a property by 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 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 site is agricultural land now owned by the Golf Club which previously formed part of New Kingswood Farm adjacent to the existing golf course on the south side of Dalehouse Lane in the Green Belt. The site currently consists of part of an arable field near to New Kingswood Farmhouse to the north-east. The site area is 3.14 hectares and is located 320m from the golf club buildings. The land adjoins the boundary of the golf course from which it is separated by a hedge and ditch. There is a public footpath (Centenary Way and Coventry Way) running along the northern boundary of the site. The land is within the Green Belt which leads from the existing golf course to the farm house. The land is being Compulsorily Purchased by HS2 Ltd for the construction of the high speed railway line.

Details of the Development

This is an application for a Certificate of Appropriate Alternative Development for

Change of Use of land from agriculture to an extension to Kenilworth Golf Course. The proposals were previously approved by the Council under planning permission nos. W/04/2014 and W13/0018. The application is submitted on the basis that these works would again be granted planning permission.

Relevant Policies

- National Planning Policy Framework.
- Kenilworth Neighbourhood Plan 2017-2029
- DS18 Green Belt
- HS4 Improvements to Open Space, Sports and Recreation Facilities
- HS5 Directing Open Space, Sport and Recreation Facilities.
- HS6 Creating Healthy Communities
- BE1 Layout and Design
- BE3 Amenity
- HE1 Designated Heritage Assets and their setting
- NE2 Protecting Designated Biodiversity and Geodiversity Assets
- TR1 Access and choice
- TR2 Traffic Generation
- TR3 Parking
- FW2 Sustainable drainage

Assessment

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

Principle of development and visual impact

The use of the land as golf course would impact on the visual amenity of the rural area due to the regrading of the land and introduction of golfing features and planting. This would change the character of the land from agricultural to an extension to the golf course, but the visual impact will be contained by existing field boundaries. The course could broadly follow the contours of the land. It is not considered that the landscaping associated with a golf course would reduce the

openness of the Green Belt as no built structures would be needed. Therefore the proposed change of use would comply with the NPPF. This states that appropriate facilities for outdoor sport are not inappropriate development providing they preserve openness and do not conflict with the purposes in including land in the Green Belt. The proposal would also comply with Policy HS4 as a small scale development adjacent to an existing settlement which already meets the needs of the local community.

Impact on right of way

There is a public right of way running along the northern boundary of the site. The footpath would be separated from the golf course by a hedge but even if this were not proposed the use of land as a golf course should not cause hazard to the users of the footpath, which already runs through the course

Impact on drainage and ecology

The previous planning permissions dealt with matters of drainage and ecology via conditions. It is considered that these matters could be satisfactorily addressed by similar conditions now.

Impact on parking

The extension to the course by one hole would require another 3 parking spaces according to the Parking SPD. The site has in excess of 100 parking spaces which are more than required by the current 18 holes, therefore there is sufficient parking on site to deal with the small increased required. The proposal would therefore comply with Policy TR3.

Conclusion

The development does not prejudice the openness and rural character of this green belt area, adversely impact on public footpaths, and is considered to comply with the policies listed. It is therefore concluded that planning permission would be granted again for the development, as with the previous planning permissions. It therefore follows that a Certificate of Appropriate Alternative Development should be issued.

Planning Committee: 20 October 2020

Item Number: 5

Application No: [W 20 / 0805](#)

Town/Parish Council: Leamington Spa

Case Officer: Emma Booker

01926 456521 Emma.Booker@warwickdc.gov.uk

**Allotment Site North of The Fairways and Northumberland Road,
Leamington Spa**

Erection of replacement shed FOR Binswood Allotment Society

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

Recommendation

It is recommended that Members grant planning permission, subject to conditions listed at the end of this report.

Details of the Development

The proposal is to replace an existing shed which is used for social and community events at the allotments. The new shed will be located on the site of the existing one, which is roughly central to the allotment area and 65 metres distant from the closest property. The shed stands adjacent to and is accessed from a track which runs across the allotments from east to west.

The existing shed is made from corrugated metal sheets and has a single door within the front elevation with a rooflight above. The roof overhangs at both ends to provide an area of cover and is supported by timber posts at the front. The base of the existing shed measures 5m x 5m and the roof ridge is 2.9 metres in height. Overall the building covers an area of approx. 46.23sqm.

The replacement building will be erected on the existing base and will be 3.1 metres in height when measured to the top of the roof ridge. The walls will be made from timber and the roof will be made from a mix of onduline corrugated and pvc sheeting. The windows will be double glazed pvc frames and the doors will be made from timber. Overall the building will cover an area of approx. 31.38sqm.

The Site and its Location

The application site comprises allotments occupied by the Binswood Allotment Society which are accessed via Borrowdale Drive. The building subject of this

application is located at the centre of the site and is a single storey building currently used social and community events. Parking for the site is on-street within the nearby housing estate, although members do have the option to park cars within the site adjacent to their plot.

The site is located within the Green Belt.

Planning History

None.

Relevant Policies

- National Planning Policy Framework
- **Warwick District Local Plan 2011-2029**
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- DS18 - Green Belt
- **Guidance Documents**
- TR3 - Parking

Summary of Representations

Royal Leamington Spa Town Council - No objection.

WCC Ecology - The proposal has the potential to impact on protected species, advisory notes related to the protection of bats, nesting birds, amphibians and reptiles should be attached to any permission granted.

Public Response -

6 objections from 4 addresses have been received on the following grounds:

- The proposal does not conform with the wheelchair access regulations
- The proposal would take up a large portion of the Society's budget which could be better spent elsewhere
- The existing use of the building is a community hut
- The proposal may lead to an increase in noise impacting on the amenity of the neighbours
- Concerns raised over the parking impacts
- Details related to security, heating, lighting, drainage, ventilation, licensing requirements, safety, fire safety and sanitary provision have not been and should be provided.
- The Society has not consulted with the stakeholders or members

One letter of support has been received on grounds that the proposal will enhance community spirit on a site which is an important local asset.

Assessment

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

Policy DS18 of Warwick District Local Plan defines the extent of the Green Belt on the Proposal Map and states that the Council will apply national planning policy to proposals within the Green Belt. Chapter 13 of the NPPF relates to protection of Green Belt land. Paragraph 133 states that the essential characteristics of Green Belts are their openness and their permanence. This is reiterated by Policy DS18.

Paragraph 145 of the NPPF states that the local authority should regard the construction of new buildings as inappropriate in the Green Belt, however, there are exceptions to this. Sub-paragraph d) states that the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces, should be considered appropriate development in the Green Belt.

While there is no record of planning permission ever being granted for the existing building, it is considered on the balance of probability that it has been in situ for in excess of four years and is therefore lawful by the virtue of time. The proposed replacement building will be in the same use and smaller than the existing building. On this basis it is considered that the proposal constitutes appropriate development in the Green Belt and is in accordance with Policy DS18 of the Local Plan and the NPPF.

Promoting healthy and safe communities

Chapter 8 of the NPPF relates to the promotion of healthy and safe communities. Paragraph 91. a) states that planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. Additionally, paragraph 91. c) states that planning decisions should aim to support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision allotments.

Objective C of the Warwick District Local Plan states that the plan aims to enable improvements to the built environment that will help to the public to access and enjoy open spaces such as allotments and support healthy lifestyles.

The proposed replacement community building is considered to comply with the principles of Chapter 8 of the NPPF 2019 and Objective C of the Warwick District Local Plan. The building will provide a space for social interaction and is regarded as an incidental building to the wider allotment site, necessary to its function as a valuable community asset. A member of the public has expressed their support for the proposal with the opinion that it will enhance community spirit on the site.

Design and impact on the character of the area

Policy BE1 of the Local Plan states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals should demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form so that the established character of the streetscene is respected. Policy BE1 states that in order to do this the development should adopt appropriate materials and details and respect the surrounding buildings in terms of scale, height, form and massing.

The proposal will only be visible from vantage points within the allotment site meaning that it will not make a contribution to the character of the urban area. It is considered that the proposal is appropriately designed for its location, adopting materials which are in keeping with the agricultural setting of the site. No objections have been received which raise concerns with the development on design grounds.

It is considered that the design and scale of the proposal respects the character of the site and its appropriately designed for its use as a community and social space. The proposal is considered to comply with Policy BE1 of the Local Plan.

Impact on nearby properties

Warwick District Local Plan Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

A member of the public has objected to the proposal on the basis that it may lead to an increase in noise. Given that the proposal comprises a like-for-like replacement building in terms of use and siting, Officers consider that the development will not have a material impact on the amenity of the occupiers of nearby residential properties. The existing shed is used for social and community events and at the time of the Officer's site visit was also being used as a space to store and offer local produce to fellow members of the site. It is stated within the Planning Statement that the building is intended to be used as a centre and focus for the allotment community, thus identical to the existing use and is therefore unlikely to have a material impact on the amenity of the neighbours.

The proposal is considered acceptable and to be in accordance with Policy BE3.

Parking

Warwick District Local Plan Policy TR3 states that development will only be permitted that makes provision for parking which does not result in on-street car parking detrimental to highway safety. Development will be expected to comply with the parking standards set out in the most recent Parking SPD.

A member of the public has objected to the proposal on parking grounds with the opinion that the development could increase demand for parking within the local streets which already suffer from parking stress. The proposal is a replacement of an existing building and is proposed to be used in the same

manner. Officers therefore consider that the development is unlikely to result in a material increase in demand for parking within the local neighbourhood. The development will not reduce the availability of parking at the site as is proposed to be built upon the existing building's base. The proposal is therefore considered to comply with Policy TR3 of the Local Plan and Policy RLS4 of the Neighbourhood Plan.

Ecology

Local Plan Policy NE2 seeks to protect species of national and local importance for biodiversity and geodiversity. The policy stipulates that development will not be permitted that will destroy or adversely affect protected species.

The Ecologist at Warwickshire County Council considers that the development could have an impact on the protected species and have recommended that advisory notes relating to bats, nesting birds, amphibians and reptiles, as protected species, be attached to any approval granted. Given the small scale of the development proposed and the fact that the building will be built upon the existing base, Officers agree with this approach. The proposal is considered to comply with Policy NE2.

Other matters

Members of the public have objected to the proposal on a number of grounds which are not considered to constitute material planning considerations.

A number of local residents have objected on the basis that the proposal would take up a large portion of the Allotment Society's budget. They also object on the basis that they have not been consulted on the proposals. Officers are not able to give regard to the affordability of the proposal or whether it is supported by members of the Society, instead Officers must only consider whether the development complies with the Development Plan having regard to material planning considerations. These matters are considered to constitute civil matters which need to be settled between the interested parties.

Other objections to the proposal highlight that details of wheelchair access, security, heating, lighting, drainage, ventilation, licensing requirements, safety, fire safety and sanitary provision have not been submitted as part of the application. These details are not required to be submitted as part of the planning application.

Summary/Conclusion

The proposal is considered acceptable on the basis of compliance with all of the aforementioned policies and the application is recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 'Figure 4 1:500 Scale Map of Binswood Allotments', 'Figure 6 Ground Level Plan', 'Figure 7 Roof Plan and North Elevation', 'Figure 8 East Elevation and South Elevation', 'Figure 9 West Elevation' and specification contained therein, submitted on 7th July 2020. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DS18, BE1 and BE3 of the Warwick District Local Plan 2011-2029.
-

Planning Committee: 20 October 2020

Item Number: 7

Application No: [W 20 / 1068](#)

Town/Parish Council: Kenilworth

Case Officer: Thomas Fojut

01926 456539 thomas.fojut@warwickdc.gov.uk

38 Rawnsley Drive, Kenilworth, CV8 2NX

Rendering of front, side and rear elevations of the dwellinghouse and erection of single storey wrap -around extension with rendered side elevations (extension previously approved with matching materials under planning permission ref: W/20/0093) FOR Mr & Mrs Hales

This application is being presented to Planning Committee as the applicant is an elected member of Warwick District Council.

Recommendation

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

Details of the Development

Rendering of front, side and rear elevations of the dwellinghouse and erection of single storey wrap -around extension with rendered side elevations. The proposed extension was previously approved with matching materials under planning permission ref: W/20/0093.

The Site and its Location

The application site relates to a two storey detached dwellinghouse, located on the east side of Rawnsley Drive, Kenilworth. The character of the area is one of similar properties of brick and tile construction. Render does not form part of the character of the streetscene. The houses are set back from the road behind hard surfacing for off-street parking.

Planning History

W/20/0093 - Erection of single storey rear wrap-around extension - Granted March 2020.

Relevant Policies

- National Planning Policy Framework
- **The Current Local Plan**
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- **Guidance Documents**
- Residential Design Guide (Supplementary Planning Document- May 2018)
- **Kenilworth Neighbourhood Plan**
- General Design Principles

Summary of Representations

Kenilworth Town Council - No objection.

WCC Ecology - Recommend that notes relating to bats and nesting birds, as protected species, are attached to any approval granted.

Assessment

The main issue relevant to the consideration of this application is the impact of the proposal on the character and appearance of the area.

The wrap-around extension was granted planning permission in March 2020, albeit with matching materials rather than rendered side walls as proposed in the current application. As such the principle of the extension and its impact on neighbouring properties has already been assessed and found to be acceptable and therefore the assessment under the current application will be limited to the proposed rendering of the side elevations, together with the rendering of the existing house as proposed.

Local Plan Policy BE1 requires all development to relate well and harmoniously with the architectural form of the surrounding built environment, in terms of scale and massing, and also through good design. It goes on to add that development proposals will be expected to demonstrate that they (inter alia) adopt appropriate materials and details.

In addition, paragraph 130 of the National Planning Policy Framework (NPPF) states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

The streetscene is strongly characterised through the use of brick and tile construction and there is a notable absence of render as a facing material. As a result, the proposal would result in an alien and incongruous feature in the streetscene which would be out of keeping and harmful to the character and appearance of the streetscene.

The proposals are therefore considered to conflict with Local Plan Policy BE1 and paragraph 130 of the NPPF.

Refusal Reason

- 1 Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. It goes on to add that development proposals will be expected to demonstrate that they (inter alia) adopt appropriate materials and details.

The streetscene is strongly characterised through the use of brick and tile construction and there is a notable absence of render as a facing material. As a result, and in the opinion of the LPA, the proposal would result in an alien and incongruous feature in the streetscene which would be out of keeping and harmful to the character and appearance of the streetscene.

The proposals are therefore considered to conflict with Local Plan Policy BE1 and paragraph 130 of the NPPF.

Planning Committee: 20 October 2020

Item Number: 8

Application No: W 20 / 1155

Registration Date: 21/07/20

Expiry Date: 15/09/20

Town/Parish Council: Kenilworth

Case Officer: Rebecca Compton
01926 456544 Rebecca.Compton@warwickdc.gov.uk

Units 3 and 5a, Princes Drive, Kenilworth, CV8 2FD

Application for the variation of Conditions 6 (deliveries) and 7 (opening hours) of planning permission W15/0256 (Demolition of existing warehouse (Class B8) and replacement with storage yard, storage building, access vehicle parking and conversion of existing building to provide builders merchants (Sui Generis)) to extend opening hours and delivery times for a temporary period. FOR Buildbase Ltd

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

Recommendation

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

Details of the Development

The application seeks planning permission for the variation of condition 6 (delivery times) and 7 (opening hours) of application W/15/0256 to allow for extended opening hours and delivery times for a temporary period until 1st April 2021.

Only the impact of the above elements will be assessed as part of this application.

The agent has put forward a justification for the temporary extended opening hours and delivery hours are required on the basis that current social distancing guidelines restrict the number of customers that the site can accommodate at one time. The proposed temporary opening hours and delivery times will enable the site to support their customers and construction sites that are now working to extended hours.

The Site and its Location

The site comprises a builders merchants accessed off Princes Drive, Kenilworth which leads from Coventry Road. The site is located on the corner as the road bends and Princes Drive is not a through road. Residential properties fronting Coventry Road and facing the site are situated approximately 40 metres away from site at the nearest point.

Planning History

W/15/0256: Demolition of existing warehouse (Class B8) and replacement with storage yard, storage building, access vehicle parking and conversion of existing building to provide builders merchants (Sui Generis) - Granted

Relevant Policies

- National Planning Policy Framework
- **Warwick District Local Plan 2011-2029**
- BE3 - Amenity
- TR3 - Parking
- **Kenilworth Neighbourhood Plan (2017-2019)**
- KP13 - General Design Principles

Summary of Representations

Kenilworth Town Council: Object due to impact on neighbouring residents in terms of noise and disturbance.

WCC Landscape: Objection, whilst the number of dwellings has been reduced to two, their size and the inclusion of detached garages still takes up a large part of the site, to the detriment of garden land and existing vegetation. This is in contravention of policy H1 of the Local Plan as the development does not reinforce the established character of the street. Concern regarding the large number of trees and shrubs that will be removed and feel that the replacement planting proposals are still just a token effort. The landscape proposals should seek to retain the wooded character across the site and not merely be the addition of a few trees here and there.

Environmental Health: No objection subject to amendments of opening hours, delivery times and length of temporary period.

Public response: 6 letters of objection have been received raising concerns over impact on neighbours, in particular with regards to noise and disturbance.

Assessment

The previously approved permission is extant and since there is no requirement to re-assess the principle of development through a section 73 application, the main issues in the determination of this application are considered to be:

- Impact on the amenity of neighbouring properties

As part of the 2015 approval, due to the proximity of the site to nearby residential properties, it was considered necessary to restrict the hours of opening and delivery times to limit noise and disturbance to neighbouring residents. Conditions were attached restricting the hours of use and delivery times:

Condition 6: There shall be no deliveries (incoming or leaving) between the hours of 17:00 and 07:30 Monday to Friday or at any time on Saturdays, Sundays or Bank Holidays.

Condition 7: The opening hours of the premises shall be limited to: Monday to Friday: 07:30 – 17:00, Saturday 08:00-16:00. No opening on Sundays or Bank Holidays

Impact on the amenity of neighbouring properties

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

A number of objections have been received raising concerns over noise and disturbance to neighbouring properties.

Environmental Health have been consulted and raised concerns over the earlier opening hours sought due to the close proximity of existing residential dwellings and the adverse noise impacts that will occur from heavy goods vehicles accessing and leaving the site during these unsociable hours. Environmental Health have suggested alternative times which has been agreed with the applicant.

The temporary variation of Conditions 6 and 7 are as follows:

6. 'There shall be no deliveries (incoming or leaving) between the hours of 18:30 and 07:30 Monday to Fridays, between 13:00 and 08:00 on Saturdays and at no time on Sundays and Bank Holidays for a temporary period ending on 1 April 2021, following which permitted opening hours shall revert to those specified in condition 6 of planning permission ref. W/15/0256.'

7. 'The opening hours of the premises shall be limited to: between the hours of 07:30 and 18:30 Monday to Fridays; between 08:00 and 16:00 on Saturdays and no time on Sundays and Bank Holidays for a temporary period ending on 1 April 2021, following which permitted opening hours shall revert to those specified in condition 6 of planning permission ref. W/15/0256.'

The ministerial statement and subsequent Business and Planning Act 2020 applies to construction site working hours as opposed to completed developments with restrictions on operating hours. Notwithstanding this, it is acknowledged that the premises in question has a tangible link to the goals of the ministerial statement and the need to ensure that new development continues during the current global pandemic. The proposal has been amended to omit the earlier opening hours and the temporary period has also been amended to the 1st April 2021 in line with the Government's decision to temporarily extend construction working hours till 1st April 2021.

The temporary opening and delivery hours have been amended to coincide with the temporary extension of construction hours period specified in the Business and Planning Act 2020, the temporary period of time being applied for also coincides with the date set by the Government when the temporary construction hours will cease. The amendments to the hours of opening and delivery times is considered to alleviate concerns regarding noise and disturbance to neighbouring residents and will ensure that the site limits activity during unsociable hours.

Other matters

Issuing any permission under Section 73 of the Act is tantamount to issuing a new permission for the entire development. As a consequence, any decision notice must replicate all previous conditions which are still relevant.

There are no other new material considerations since the original permission which would lead me to believe that the remaining conditions are no longer appropriate in my opinion.

Conclusion

Following amendments to the proposed temporary opening hours and delivery time and amendment to the temporary period that is being applied for, it is considered that the proposal would not have a harmful impact on the amenity of neighbouring residential properties for the temporary period until 1st April 2021.

Conditions

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing numbers 004B; 007H, 009A and 010B, and specification contained therein, submitted on 19 February 2015 and 12 May 2015.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby permitted 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 CC2 in the Warwick District Local Plan 2011-2029.

- 4 Prior to the commencement of development hereby permitted, details of landscaping for the rear (south-east) boundary of the site showing means of enclosure, new planting and retained trees shall be submitted to and approved in writing by the Local Planning Authority. Any trees or shrubs removed without consent of the local planning authority or which die, become seriously damaged or diseased within a period of 5 years from the completion of the development, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

REASON: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 5 There shall be no deliveries (incoming or leaving) between the hours of 18:30 and 07:30 Monday to Fridays, between 13:00 and 08:00 on Saturdays and at no time on Sundays and Bank Holidays for a temporary period ending on 1 April 2021, following which permitted opening hours shall revert to those specified in condition 6 of planning permission ref. W/15/0256. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 6 The opening hours of the premises shall be limited to: between the hours of 07:30 and 18:30 Monday to Fridays; , between 08:00 and 16:00 on Saturdays and no time on Sundays and Bank Holidays for a temporary period ending on 1 April 2021, following which permitted opening hours shall revert to those specified in condition 6 of planning permission ref. W/15/0256. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 7 The storage area identified on drawing number 007H shall not exceed 5 metres in height. **REASON:** To protect the visual amenities of the area in accordance with Policy BE3 in the Warwick District Local Plan 2011-2029.