

Planning Committee

Tuesday 17 July 2018

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 17 July 2018 at 6.00pm.

Councillor Cooke (Chairman)

Councillor Day (Vice Chairman)

Councillor Barrott

Councillor Mrs Hill

Councillor Boad

Councillor Morris

Councillor Mrs Bunker

Councillor Mrs Stevens

Councillor Edgington

Councillor Weed

Councillor Heath

Emergency Procedure

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

Agenda

Part A – General

1. Apologies and Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee of 19 June 2018.

(Pages 1 to 37)

Part B – Planning Applications

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

- | | | |
|-----|---------------------------------------------------------------------------|-----------------------|
| 5. | W/18/0400 – 85 Rugby Road, Cubbington | (Pages 1 to 4) |
| 6. | W/18/0676 – North Lodge, Coventry Road, Stoneleigh | (Pages 1 to 4) |
| 7. | W/18/0805 – The Oak, Stratford Road, Beaudesert, Stratford on Avon | (Pages 1 to 6) |
| 8. | W/18/0842 – 2 Oaks Precinct, Caesar Road, Kenilworth | (Pages 1 to 4) |
| 9. | W/18/0902 – 24 Courthouse Croft, Kenilworth | (Pages 1 to 4) |
| 10. | W/18/0954 – Priory Farm, Rising Lane, Lapworth | (Pages 1 to 4) |
| 11. | W/18/1069 – Corner of Princes Drive, Coventry Road, Kenilworth | (Pages 1 to 6) |
| 12. | W/18/1122 – 33 Wilmhurst Road, Warwick | (Pages 1 to 4) |

Part C – Other matters

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

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8:45am to 5:15pm and Friday 8:45am to 4.45pm) or email committee@warwickdc.gov.uk, anytime after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note, that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public - Have registered to address the Committee.
- (e) occasionally items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's web site, and where possible, the applicant and all registered speakers (where applicable) will be notified.

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

Minutes of the meeting held on Tuesday 19 June 2018 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillors Barrott, Boad, Mrs Bunker, Cooke, Day, Edgington, Mrs Falp, Mrs Hill, Morris, Mrs Stevens and Weed.

Also Present: Senior Committee Services Officer – Mrs Barnes; Legal Advisor – Mrs Gutteridge; Development Services Manager – Mr Fisher; Business Manager - Development Management - Mr Sahota; and Business Manager – Policy & Projects – Mr Butler.

Visitors: Mr Simm and Mr Pilcher – Warwickshire County Council (WCC) Highways, Mr Seddon – Head of Transport & Innovation on behalf of Coventry City Council, Ms Neale – WCC.

21. Apologies and Substitutes

Councillor Mrs Falp substituted for Councillor Heath.

22. Declarations of Interest

Minute Number 25 – W/17/2357 – Land to the South of Westwood Heath Road, Burton Green

Councillor Mrs Falp declared an interest because she was a Warwickshire County Councillor and there were a number of representatives present from the Authority.

Minute Number 28 – W/18/0803 – 17 Gaveston Road, Royal Leamington Spa

During the course of the meeting, Councillor Barrott declared an interest because one of his relatives worked at the school located near to the application site.

Minute Number 29 – W/18/0434 – 6 Parsonage Close, Bishops Tachbrook

Councillor Day declared an interest because he was the Ward Councillor, and the applicant and a number the residents who had commented were known to him. He did feel that he was able to remain open minded.

Minute Number 35 – W/18/0854 – 17 Cobden Avenue, Royal Leamington Spa

Councillor Barrott declared an interest because the application site was in his Ward.

23. Site Visits

To assist with decision making, Councillors Barrott, Boad, Mrs Bunker, Cooke, Edgington, Mrs Falp, Mrs Hill, Morris, Mrs Stevens and Weed visited the following application sites on Saturday 16 June 2018:

PLANNING COMMITTEE MINUTES (Continued)

W/18/0570 – 1 Bell Tower Mews, Woodcote Road, Royal Leamington Spa;
W/18/0632 & W/18/0633 LB – Abbey Farm, Ashow;
W/17/2357 – Land at Westwood Heath Road, Westwood Heath; and
W/18/0434 – 6 Parsonage Close, Bishop's Tachbrook.

24. Minutes

The minutes of the meetings held on 22 May 2018 were agreed and signed by the Chairman as a correct record.

25. W/17/2357 – Land to the South of Westwood Heath Road, Burton Green

The Committee considered a hybrid application from Crest Nicholson Operation Limited for the erection of up to 425 dwellings (detailed first phase of 129 dwellings with the remainder of the site being outline including details of access), convenience store of up to 400 sqm gross together with the erection of formal and informal open space including allotments, infrastructure provision and associated work together with means of access onto Westwood Heath Road and agricultural access onto Bockendon Lane.

The application was presented to Committee because of the number of objections received including one from Burton Green Parish Council.

The officer was of the opinion that the development of this allocated site (H42) for the construction of 425 dwellings and a convenience store of up to 400 sq.m., including the first detailed phase for 129 dwellings and two new accesses off Westwood Heath Road, together with the necessary infrastructure and associated works, including the provision of open spaces and SUD's was considered to be acceptable in principle in accordance with Local Plan Policy DS11.

The proposals would ensure appropriate levels of amenity for neighbouring dwellings whilst also providing positive and suitable living conditions for future occupants. The proposals would have a positive impact on the character and appearance of the area and were considered to be acceptable in terms of car parking and highway safety. While the scale of the development resulted in an impact on the setting of the heritage asset (scheduled monument - The Moat) this impact equated to less than substantial harm against which was weighed the public benefits of the proposals. The development was therefore considered acceptable in this regard. Furthermore, the proposals were considered to be acceptable in ecological terms and there were a number of necessary and relevant conditions recommended in the event permission was forthcoming which would ensure that any possible impacts of the development were adequately mitigated.

Notwithstanding the partial outline nature of these proposals, officers were satisfied, based on the illustrative layouts submitted and the parameters plans, that the site was capable of being developed for this number of dwellings and the convenience store without causing material harm to neighbouring amenity or the general character of the surrounding area.

PLANNING COMMITTEE MINUTES (Continued)

Suitable conditions were recommended regarding the phasing of the development.

Overall, the development was considered to accord with all relevant provisions of the Development Plan and for these reasons, it was therefore recommended that planning permission be granted.

An addendum circulated at the meeting advised that an additional condition was proposed to require the submission of a management plan prior to the commencement of development for the area of open space along the southern edge of the application site, in order to protect the scheduled ancient monument (the Moat) in the vicinity of the application site. The addendum also provided a response from WCC Archaeology, provided clarification on the S106 contributions and advised that additional third party representations had been received along with revised drawings from the applicant.

The Development Services Manager advised Members that the proposals included SUDs (Sustainable Urban Drainage Scheme) within the site and that further details would come forward as part of detailed submissions.

The following people addressed the Committee:

- Mr Taylor, Burton Green Parish Council, objecting;
- Ms Millar, Secretary of the Westwood Heath Residents Association, objecting;
- Mr Kashi, objecting;
- Mr Pimpalnerkar, objecting;
- Mr Dunlop, supporting;
- Mr Kitching, supporting;
- Councillor Skinner, Ward Councillor representing Coventry City Council;
- Councillor Illingworth, Ward Councillor, Warwick District Council.

The Committee received advice on highways, infrastructure, air pollution and S106 contributions from County Council officers, Mr Seddon from Coventry City Council and the Legal Officer, Mrs Gutteridge. Mr Butler from WDC also advised on housing numbers and the unmet need of Coventry City Council.

Members raised a concern that there was only one bungalow out of 425 dwellings within the housing mix and requested that the applicant be reminded of the importance of the provision of particular housing types.

Mrs Neale, from Warwickshire County Council also provided assurance that discussions were ongoing with Coventry and Warwickshire schools and the developers in relation to sufficient school provision.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Edgington and seconded by Councillor Day that the application should be granted, subject to the additional condition outlined in the addendum and a note to the applicant regarding the housing mix.

Resolved that W/17/2357 be granted subject to the following conditions and note to applicant:

PLANNING COMMITTEE MINUTES (Continued)

- (1) the development hereby permitted in detail (i.e. the means of access and the detailed first phase of 129no. dwellings, landscaping, SUD's and open space) must be begun not later than the expiration of three years from the date of this permission. The development hereby permitted in outline 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 91 of the Town and Country Planning Act 1990 (as amended);
- (2) with the exception of the detailed first phase of 129no. dwellings and associated access, servicing, highway works, parking, footpaths, cycleways, public realm and other related works, this permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced on each subsequent phase of development:-
 - (a) Appearance
 - (b) landscaping (other than the structural landscaping hereby approved)
 - (c) layout
 - (d) scale**Reason:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended);
- (3) 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, for each phase of the development, 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 (as amended);
- (4) in the case of the reserved matters specified above, development shall begin within three years of the date of this permission or within two years of the final approval of the reserved

PLANNING COMMITTEE MINUTES (Continued)

matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);

- (5) the development hereby permitted in detail (i.e. the means of access and the detailed first phase of 129no. dwellings, landscaping, SUD's and open space) shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 7842/P103 DR5, 7842/P120 DR2, 7842/P151.1 DR5, 7842/P151.2 DR5, 7842/P152.1 DR1, 7842/P152.2 DR1, 7842/P162.1 DR4, 7842/P162.2 DR5, 7842/P162.4 DR4, 7842/P166.3 DR4, 7842/P166.4 DR5, 7842/P166.5 DR5, 7842/P168.1 DR4, 7842/P168.2 DR3, 7842/P168.3 DR3, 7842/P169.1 DR4, 7842/P169.2 DR4, 7842/P170.1 DR4, 7842/P170.2 DR4, 7842/P170.3 DR4, 7842/P171.1 DR5, 7842/P171.2 DR4, 7842/P171.3 DR4, 7842/P171.4 DR1, 7842/P174.1 DR4, 7842/P174.1 DR4, 7842/P174.2 DR5, 7842/P175.1 DR1, 7842/P175.2 DR1, 7842/P175.3 DR1, 7842/P176.2 DR1, 7842/P176.4 DR1, 7842/P177.1 DR1, 7842/P177.2 DR1, 7842/P190.1 DR1, 7842/P190.3 DR2, 7842/P190.4 DR3, 7842/P190.5 DR3, 7842/P190.6 DR3, 7842/P190.7 DR3, 7842/P190.9 DR2 and specification contained therein, submitted on 8 December 2017 and revised drawings 7842/P172.1 DR5, 7842/P172.2 DR5, 7842/P173.1 DR4, 7842/P173.2 DR6, 7842/P176.1 DR2, 7842/P176.3 DR2, 7842/P101 DR10, 7842/P102 DR10, 7842/P105 DR8, 7842/P106 DR8, 7842/P107 DR8, 7842/P108 DR8, 7842/P109 DR8, 7842/P110 DR8, 7842/P111 DR9, 7842/P112 DR8 and specification contained therein, submitted on 12 April 2018. **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;
- (6) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted in detail (i.e. the means of access and the detailed first phase of 129no. dwellings, landscaping, SUD's and open space) until samples of the external facing materials to be used have been submitted to and

PLANNING COMMITTEE MINUTES (Continued)

approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (7) no phase of development hereby permitted shall commence until a detailed surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- Undertaken infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
 - Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
 - Where flooding occurs onsite to store the 1 in 100 year climate change event details should be provided of the storage capacity required outside of the proposed formal drainage system. Details of the depths and locations of flooding should also be provided to the LLFA where the depths may be unsafe. Hazard mapping may be required to ensure the development remains safe to users of the site.
 - Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

PLANNING COMMITTEE MINUTES (Continued)

- Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.
- Provide and implement a maintenance plan to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures;

- (8) no phase of development hereby permitted shall commence until a strategy to manage and maintain any construction materials from entering or silting up the ditch network for that phase has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. Details to ensure that no silt or chemicals can leave the phase being constructed shall be provided and any detrimental impact to the ditch network shall be repaired. **Reason:** To ensure the development does not have impacts off site to flood risk and that the ditch network downstream can function as intended;
- (9) no phase of development hereby permitted shall commence until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the District Planning Authority. The CEMP needs to be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking

PLANNING COMMITTEE MINUTES (Continued)

place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF) and Policy NE2 of the Warwick District Local Plan 2011-2029;

- (10) no phase of development hereby permitted shall commence until a Protected Species Contingency Plan for that phase has been submitted to and approved in writing by the local planning authority. The plan shall include:
- a) Details on safeguarding Dormice during construction and post development – development licence and appropriate mitigation strategy, changes in proposed layout highly likely.
 - b) Further bat survey of the trees (if final plans show trees to be removed or significant period lapses) in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and if appropriate a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.
 - c) A pre-commencement badger survey carried out by a suitably qualified badger consultant and has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.
 - d) If it is not included in the S106 – a scheme to provide off-site mitigation for skylarks.

Reason: To ensure that protected species are not harmed by the development;

- (11) no phase of development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) for that phase has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and

PLANNING COMMITTEE MINUTES (Continued)

management, such as water bodies, native species planting, wildflower grassland, woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF and Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (12) no phase of development hereby permitted shall commence until adequate measures have been taken to protect existing trees, scrub and ground flora of the adjacent Local Wildlife Site Black Waste Wood, during development. A barrier, such as a wire fence, should be erected before works start. This fenced area should include a sufficient buffer zone between the development / associated works and the boundary of the LWS. It is important NOT to allow access, or storage of materials within this buffer zone, otherwise soil compaction is likely to occur, with subsequent damage to the ground flora. **Reason:** To ensure the protection of important habitats during development;

- (13) no phase of development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees, *in particular the three veteran trees*, and hedges to be retained on site, for that phase, has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

- (14) no phase of development hereby permitted shall commence until a detailed lighting scheme for that phase has been submitted and agreed between the applicant and the local planning authority. In discharging this condition the District Planning Authority expects lighting to be restricted around the boundary edges, along hedgerows, around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

- a) the brightness of lights should be as low as legally possible
- b) lighting should be timed to provide some dark periods
- c) connections to areas important for foraging should contain unlit stretches

The agreed scheme to be fully implemented before/during development of the site as appropriate. **Reason:** To ensure appropriate measures are taken in relation to protected species in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;

- (15) no phase of development hereby permitted shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work for that phase 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:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

- (16) no phase of development hereby permitted (including any works of demolition) shall commence until a construction method statement for that phase has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for:
- Any temporary measures required to manage traffic during construction
 - Plans and details of haul roads within

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the site and for the turning and unloading and loading of vehicles within the site during construction

- Dust management and suppression measures – level of mitigation determined using IAQM guidance
- Wheel washing
- Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2
- Concrete crusher if required or alternative procedure
- Delivery times and site working hours
- Site lighting
- Access and protection arrangements around the site for pedestrians, cyclists and other road users
- Restrictions on burning and details of all temporary contractors buildings
- Plant and storage of materials associated with the development process
- External safety and information signing notices
- Complaints procedures, including complaints response procedures and dedicated points of contact
- Best practicable means shall be employed at all times to control noise and dust on the site including:
 - o Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
 - o Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon – Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR3 and NE5 of the Warwick District Local Plan 2011-2029;

- (17) an application for the approval of a construction phasing plan for the development

PLANNING COMMITTEE MINUTES (Continued)

shall be submitted before the expiry of three years from the date of this permission. The development shall thereafter be carried out in accordance with the phases established in the phasing plan as approved by the local planning authority. **Reason:** To ensure the proper phasing of the development;

(18) no phase of development hereby permitted shall commence until: -

1. (a) A site investigation for that phase has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

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

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

(c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the planning authority. The method statement shall include details of how the remediation works will be validated upon completion.

This should be approved in writing by the planning authority prior to the remediation being carried out on the site.

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2. All development of the site shall accord with the approved method statement.
3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.
4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.'

Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;

- (19) no phase of development hereby permitted shall commence until a scheme of mitigation for that phase, including detailed arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

- (20) noise arising from any plant or equipment at these premises, when measured one metre

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from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes))

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

Reason: To ensure there would be no unacceptable disturbance to the detriment of the amenities of the occupiers of the development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

- (21) the development permitted in detail by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) *Westwood Heath Road, Coventry FRA_WHR-BWB-EWE-XX-RP-EN-0002-FRA_May 2017* and approved Drainage Strategy *Westwood Heath Road, Coventry_Reuby and Stagg_10210_August 2017* and in particular the following mitigation measures detailed within the FRA and Drainage Strategy:

- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 68.4 l/s for the site.
- Provide provision of surface water attenuation storage as stated within the FRA of 4745m³ and/ or in accordance with '*Science Report SC030219 Rainfall Management for Developments*'.
- Surface water is to be provided via a minimum of two trains of treatment using the proposed above ground drainage features within the drainage design.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures;

PLANNING COMMITTEE MINUTES (Continued)

- (22) no phase of development hereby permitted shall commence until a scheme for the provision of adequate water supplies and fire hydrants for that phase, necessary for firefighting 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 Public Safety from fire, and the protection of Emergency Fire Fighters;
- (23) the subsequent Reserved Matters applications for any phase of the development shall be submitted in general accordance with the approved Site Wide Design Code Document embodied within the Design and Access Statement including Design Coding dated May 2018 and prepared by Crest Nicholson for the approved development unless otherwise agreed in writing or superseded with an updated/revised Design Code Document. **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, BE2 and BE3 of the Warwick District Local Plan 2011-2029;
- (24) the landscaping scheme submitted as part of the application hereby permitted in detail shall be completed, in all respects, not later than the first planting season following the completion of the foodstore 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 BE1 and NE4 of the Warwick District Local Plan 2011-2029;
- (25) the landscaping scheme(s) approved under any subsequent reserved matters application shall be completed, in all respects, not later than the first planting season following the completion of the foodstore 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

PLANNING COMMITTEE MINUTES (Continued)

originally required to be planted. **Reason:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

- (26) The development shall not be occupied until the public highway at Westwood Heath Road has been improved so as to provide for the site access in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority, as shown indicatively on plans 7842/P101 Rev.DR10, 7842/P102 Rev.DR10, 7842/P108 Rev.DR8 and 7842/P109 Rev.DR8. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 27 The layout of the estate roads serving the development [including footways, verges and footpaths] shall not be designed other than in accordance with the principles and guidance as set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001'. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 28 No dwelling shall be occupied until the estate roads [including footways] serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 29 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan; and

PLANNING COMMITTEE MINUTES (Continued)

- (30) the submission of a management plan is required, prior to the commencement of development for the area of open space along the southern edge of the application site in order to protect the scheduled ancient monument (the Moat) in the vicinity of the application site.

Note to applicant: The applicant is requested to work with officers to ensure that the housing mix includes further provision of bungalows.

(At 7.34 pm the Chairman announced a short comfort break whilst the public gallery was cleared of visitors)

26. W/18/0632 – Abbey Farm, Ashow Road, Ashow

The Committee considered an application from Mr and Mrs Burdett for the erection of a single storey extension to an existing annex to form a new dwelling house (Use Class C3).

This application was taken in conjunction with W/18/0633LB which dealt with the listed building consent for the proposal (see Minute Number 27).

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

The officer was of the opinion that the application proposed an extension to an existing building located within the Green Belt. National policy stated that extensions were required to be proportionate. Local Plan policy H14 stated that a 30% increase in the gross floor area of an existing building was not considered to be disproportionate. The proposed extension represented a 30% increase on floor area of the existing property and was considered acceptable. Furthermore, the site was located within a limited growth village which meant isolated dwellings would not be formed within the green belt, in accordance with paragraph 55 of the NPPF.

The sub division of the plot was considered acceptable together with the extensions and the impact on the setting of the listed building would be neutral.

In overall terms, the revised proposals were considered to have overcome the previous reasons for refusal and it was recommended that planning permission should be granted.

An addendum circulated at the meeting advised that the Conservation Advisory Forum (CAF) had recommended the refusal of these applications. They considered that the development and associated 'domestication' failed to integrate with the curtilage of the Listed barn and setting of the Listed building; and did not preserve or enhance the character of the Conservation Area and the site's integrity/quintessential rural character. In addition, CAF was concerned that granting this application would set a precedent for similar proposals in the District and further lessen the validity of existing conservation guidance.

PLANNING COMMITTEE MINUTES (Continued)

The following people addressed the Committee:

- Mr Elliot-Higgitt, objecting;
- Mr Fryer, objecting;
- Ms Burdett, supporting; and
- Councillor Mrs Cain, District Councillor, objecting.

Members raised concerns that there was insufficient space for vehicles to exit the driveway in a forward gear and were mindful of the objection made by the Conservation Officer. The Legal Officer reminded Members that the Highways Authority had raised no objection to the application.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Mrs Stevens that the application should be refused, contrary to the officer's recommendation.

Resolved that W/18/0632 be refused because it was contrary to Local Plan Policy HE1 and the NPPF. The proposal was deemed to cause less than substantial harm to the character and appearance of the Conservation Area and the curtilage listed building and no public benefits sufficient to outweigh the harm have been identified.

27. W/18/0633 LB – Abbey Farm, Ashow Road, Ashow

The Committee considered an application from Mr and Mrs Burdett for the erection of a single storey extension to an existing annex to form a new dwelling house (Use Class C3).

This application was taken in conjunction with W/18/0632 which dealt with the planning permission for the proposal (see Minute Number 26).

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

The officer stated in their conclusion that the application was for an extension to an existing garage building / annexe which was located within the grounds of a listed farmhouse and associated curtilage listed buildings. The design of the proposed extension had been revised to reflect the character of the existing building and therefore would have a neutral impact on the setting of the listed building. Due to the location of the proposed extension only oblique views would be possible of the extension due to the dense shrub and tree planting along the road boundary and the existing buildings on the site obscuring views.

Therefore, the erection of the proposed extension was considered to be acceptable.

An addendum circulated at the meeting advised that the Conservation Advisory Forum (CAF) had recommended the refusal of these applications. It considered that the development and associated 'domestication' failed to integrate with the curtilage of the Listed barn and setting of the Listed building; and did not preserve or enhance the character of the Conservation

PLANNING COMMITTEE MINUTES (Continued)

Area and the site's integrity/quintessential rural character. In addition, CAF was concerned that granting this application would set a precedent for similar proposals in the District and further lessen the validity of existing conservation guidance.

The following people addressed the Committee:

- Mr Elliot-Higgitt, objecting;
- Mr Fryer, objecting;
- Ms Burdett, supporting; and
- Councillor Mrs Cain, District Councillor, objecting.

Members raised concerns that there was insufficient space for vehicles to exit the driveway in a forward gear and were mindful of the objection made by the Conservation Officer. The Legal Officer reminded Members that the Highways Authority had raised no objection to the application.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Mrs Stevens that the application should be refused, contrary to the officer's recommendation.

Resolved that W/18/0633 LB be refused because it was contrary to Local Plan Policy HE1 and the NPPF. The proposal was deemed to cause less than substantial harm to the character and appearance of the Conservation Area and the curtilage listed building and no public benefits sufficient to outweigh the harm have been identified.

28. W/18/0803 – 17 Gaveston Road, Royal Leamington Spa

The Committee considered an application from Chas Khehra for the change of use from a single dwelling house (Use Class C3) to a House in Multiple Occupation (HMO) (Use Class C4).

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

The officer was of the opinion that the existing area had an extremely low concentration of HMOs and it was considered that an additional HMO would not result in material harm to the living conditions of local residents.

The 'Vehicle Parking Standards' SPD (2007) included a requirement of one parking space per two bedrooms for HMOs. On that basis, three off-street spaces would be required for the proposed use. The existing use required two spaces and there was therefore a shortfall of one off road car parking space. However, the application property was located on the edge of the Town Centre, off a main road (Rugby Road), with many services (including public transport) and facilities within easy walking or cycling distance. The site was therefore felt to be in a sustainable location.

In addition, the officer had concluded that there was no substantive evidence to suggest that the increase in demand by one space would

PLANNING COMMITTEE MINUTES (Continued)

worsen the existing on-street parking provision to the degree that it would directly result in adverse impact on on-street parking, residential amenity or highway safety.

Having regard to all of the considerations, it was considered that the proposed development would not result in unacceptable harm, the proposal was considered to accord with all of the relevant policies and was recommended for approval, subject to conditions.

An addendum circulated at the meeting advised that over 35 objections had been received on a number of grounds including highway safety and parking, the unsuitability of the property and the addition of an HMO in a family-orientated street, causing disruption.

It also stated that a parking survey had been submitted from the Gaveston Road, Gretheed Road and Freemans Close Residents' Association. In addition, it outlined the internal dimensions of the garage and advised that WCC Highways had not objected to the application on highway safety grounds.

The following people addressed the Committee:

- Councillor Knight, Royal Leamington Spa Town Council, objecting;
- Ms Precious, objecting; and
- Councillor Gifford, Ward Councillor, objecting.

Mr Sim from WCC Highways addressed Members and provided the technical note which had been received following consideration of the parking survey. He advised Members that as a residential dwelling, the property required two parking spaces and as an HMO it needed three spaces. However, there was unrestricted parking at the site and the Police had the measures to award penalty notices where appropriate. He did not feel that the parking issues were caused solely by residents but by the school users as well. He assured the Committee that the County Council's Safer Routes to School team were working with the local school.

Members were mindful that the proposal complied with the HMO Policy but did not feel that the parking situation was acceptable.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Mrs Bunker that the application should be refused contrary to the officer's recommendation.

Resolved that W/18/0803 be refused because it does not comply with Local Plan policies BE3 and TR3.

29. W/18/0434 –6 Parsonage Close, Bishop's Tachbrook

The Committee considered an application from Mr Hall for the erection of a first floor front extension over the existing garage.

The application was presented to Committee because eleven letters of support had been received and officers were recommending refusal.

PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that while the amenity of neighbours would not be adversely affected, the harm that would be caused to the appearance and character of the subject property and the uniformity of the group of four houses that it was part of would be significant, as set out in the report, and therefore the application was recommended for refusal.

An addendum circulated at the meeting advised that a comment by a previous objector had been raised stating that extensions undertaken to houses in the Close either had no impact from the front view or had retained the original roof style.

The following people addressed the Committee:

- Mr Hall, supporting;
- Ms Hall, supporting; and
- Councillor Noone, District Councillor, supporting.

Members felt that this property was set back slightly from the other three properties and did not seem to form a uniform group. In addition, due to its location it would not have a detrimental impact on the existing development.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Mrs Bunker and seconded by Councillor Barrott that the application should be granted, contrary to the officer's recommendation. It was agreed that the permission should be subject to the necessary conditions, the wording of which would be delegated to officers.

Resolved that W/18/0434 be granted with conditions because the extension would not be harmful to the street scene and would not be contrary to Policy BE1.

30. W/18/0842 – 2 Oaks Precinct, Caesar Road, Kenilworth

The Committee considered an application from Mrs Harrison for the change of use from retail (Use Class A1) to podiatry advice centre (Use Class D1).

The application was presented to Committee because there had been over five letters of support received, the Ward Member supported the application and officers were recommending refusal.

The officer was of the opinion that Policy TC17 of the Warwick District Local Plan 2011-2029 sought to protect the designated Local Shopping Centres by resisting a move away from A1 retail uses. It stated that the change of use from A1 to a non- A Class Use would only be supported where it could be demonstrated that the proposed use met an important unmet local need.

The submitted information was not considered to adequately demonstrate that the change of use from A1 to D1 was required to meet an important unmet local need that justified the loss of a retail unit within this Local Shopping Centre. The development was therefore felt to be contrary to

PLANNING COMMITTEE MINUTES (Continued)

Policy TC17 of the Warwick District Local Plan 2011-2029 and was recommended for refusal.

An addendum circulated at the meeting detailed additional information from the applicant relating to the proposed occupier, appointment availability and reasons why the existing Chiropractic Clinic being used was not suitable.

The following people addressed the Committee:

- Ms Harrison, supporting;
- Councillor Mrs Cain, Ward Councillor, supporting.

Members queried whether there was any evidence of marketing the unit as an A1 Use Class. Officers confirmed this had been evidenced but it was not known how long it had been marketed for.

The Legal Officer provided clarification on policy TC17 which stated that the premise had to have been empty for at least one year and marketed for nine months. In addition, the application had to provide evidence that there was an unmet local need.

It was proposed and duly seconded that the application be granted, contrary to the officer's recommendation, because the business would be providing a local need and had been empty for a considerable time.

On being put to the vote, the proposal was lost.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Cooke and seconded by Councillor Barrott that the application should be deferred to seek evidence of marketing and the unmet local need.

Resolved that W/18/0842 be deferred to seek evidence of marketing and unmet local need.

31. W/18/0480 – 10 Vicarage Road, Stoneleigh

The Committee considered an application from Mr and Ms Storer and Lowe for the erection of a single storey side extension plus demolition and rebuilding of existing rear extension from porch to garden room.

The application was presented to Committee because Stoneleigh Parish Council supported the proposal and officers were recommending refusal.

The officer was of the opinion that while the proposed extensions were considered to be appropriate development within the Green Belt, and would not cause harm to the amenity of neighbours, the side extension would cause harm to the appearance and significance of the Listed Building, the street scene, the Conservation Area and the setting of other nearby Heritage Assets. This harm was not outweighed by any public benefits and therefore the application was recommended for refusal.

Ms Lowe addressed the Committee in support of the proposals.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Mrs Stevens and seconded by Councillor Morris that the application should be refused in accordance with the officer's recommendation.

Resolved that W/18/0480 be refused for the following reason:

- (1) the proposal relates to a Listed Building within a Conservation Area and it is considered that the proposed side extension would be seriously detrimental to the character, appearance and significance of both the building itself and the Conservation Area as a whole as well as the setting of other nearby Heritage Assets by reason of its scale, design, width and depth.

The development is thereby considered to be contrary to Policy HE1 of the Warwick District Local Plan 2011-2029.

32. W/18/0481 LB – 10 Vicarage Road, Stoneleigh

The Committee considered an application from Mr and Ms Storer and Lowe for the erection of a single storey side extension plus demolition and rebuilding of existing rear extension from porch to garden room.

The application was presented to Committee because Stoneleigh Parish Council supported the proposal and officers were recommending refusal.

The officer was of the opinion that the proposed side extension would cause harm to the appearance and significance of Listed Building and the Conservation Area and the setting of other nearby Heritage Assets. This harm was not outweighed by any public benefits and therefore the application was recommended for refusal.

Ms Lowe addressed the Committee in support of the application.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Edgington and seconded by Councillor Weed that the application should be refused in accordance with the officer's recommendation.

Resolved that W/18/0481 LB be refused for the following reason:

- (1) the proposal relates to a Listed Building within a Conservation Area and it is considered that the proposed side extension would be seriously detrimental to the character, appearance and significance of both the building itself and the Conservation Area as a whole as well as the setting of other nearby Heritage Assets by reason of its scale, design, width and depth.

PLANNING COMMITTEE MINUTES (Continued)

The development is thereby considered to be contrary to Policy HE1 of the Warwick District Local Plan 2011-2029.

33. W/18/0570 – 1 Bell Tower Mews, Woodcote Road, Royal Leamington Spa

The Committee considered an application from Mr and Mrs Tyagi for the erection of single and two storey rear extensions.

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

The officer was of the opinion that the application proposals were complimentary in design to the main house, the immediate setting and the Conservation Area, and would not cause a material increase in harm to the amenity of neighbouring properties or gardens, subject to condition. The proposals and their method of construction and other tree protection measures would ensure no harm to the Protected Wellingtonia tree, and would not be unduly harmful to other Conservation Areas Trees (subject to working in accordance with the Tree Report to be conditioned) and therefore the application was recommended for approval.

The following people addressed the Committee:

- Ms Dunbar, objecting; and
- Mr Connor, objecting.

Members noted the communication received from the applicant advising that he and his wife were prepared to reduce the depth of the rear extension if requested. Officers advised that this was something that could be discussed, in conjunction with the Chairman.

The Legal Officer reminded Members that they had to consider the application in front of them and bear in mind that officers may not be successful in their negotiations.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Edgington that the application should be granted, in accordance with the recommendation in the report, with authority delegated to officers to enter into negotiations with the applicant regarding their offer of reducing the depth of the extension.

Resolved that W/18/0570 be granted subject to the following conditions:

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

PLANNING COMMITTEE MINUTES (Continued)

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 062017-PL-01 Rev A and 062017-PL-02 Rev A, and specification contained therein, submitted on 21st March 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029;
- (4) the works hereby permitted shall be carried out only in strict accordance with the details shown on the approved plans and in accordance with the findings and recommendations of the Arboricultural Survey Submitted on 21st March 2018, entitled 'Pre-Development Arboricultural Survey and Impact Assessment, Report No RT-MME-126998 Rev A ', updated in January 2018 by MiddleMarch Environmental. **Reason:** To ensure that any works are carried out only in strict accordance with the terms of this permission in the interests of visual amenities of the locality in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029; and
- (5) prior to the occupation of the development hereby permitted, the first floor en suite side window in the west side elevation of the approved extension shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.

PLANNING COMMITTEE MINUTES (Continued)

34. W/18/0771 – The Clangers, 28 Snitterfield Lane, Norton Lindsey

The Committee considered an application from Mr Edwards for the demolition of an existing dwelling house and erection of a replacement dwelling house.

The application was presented to Committee because an objection had been received from Norton Lindsey Parish Council.

The report advised that Policy H13 of the Local Plan stated that the one for one replacement of an existing dwelling in a rural area was acceptable where the existing dwelling was structurally unsound or of poor architectural design and did not add to the rural character of the area. The existing dwelling was of poor architectural merit and did not add to the rural character of the landscape. In this respect, Officers were satisfied that the proposal to replace the building accorded with the requirements of Policy H13.

In floor space terms, the proposed dwelling was 9% larger than the existing property which was considered not to be materially larger and therefore the proposal constituted appropriate development in the Green Belt in accordance with Para 89 of the NPPF. Officers were satisfied that the development was acceptable in principle subject to a condition requiring the removal of the existing dwelling prior to the occupation of the proposed dwelling and an assessment of the site specific matters including impact on the openness of the Green Belt, impact on the character of the surrounding area and adjacent properties, access and parking, trees and hedgerows, ecology and water efficiency.

An addendum circulated at the meeting advised that an additional condition had been proposed to remove permitted development rights within the site for extensions and new buildings.

Councillor Mace-Leska, Norton Lindsey Parish Council, addressed the Committee in objection to the proposals.

Members raised concerns that application was contrary to the Council's policies on the Green Belt and would have an impact on openness. In addition, it was not felt that the design was of a satisfactory standard.

Following consideration of the report, presentation, information contained in the addendum and the representation made at the meeting, it was proposed by Councillor Day and seconded by Councillor Barrott that the application should be refused contrary to the recommendation in the report.

Resolved that W/18/0771 be refused because it did not comply with the Council's Policies relating to the Green Belt in particular Policy H13 relating to replacement dwellings in a rural area and would be harmful to the openness of the Green Belt.

35. W/18/0854 – 17 Cobden Avenue, Royal Leamington Spa

PLANNING COMMITTEE MINUTES (Continued)

The Committee considered an application from Mr Tura for a change of use from single dwelling house (Use Class C3) to a House in Multiple Occupation (HMO) (Use Class C4).

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

The officer was of the opinion that the principle of a change of use to a small HMO (Use Class C4) was considered acceptable as it complied fully with Policy H6 of the Warwick District Local Plan 2011-2029. The comments regarding parking were noted, however, the existing house required two off road parking spaces and the proposed use required two off road parking spaces. Therefore, there was no net increase in the parking provision required and officers felt that the application accorded with Policy TR3 & H6 of the Local Plan and the Vehicle Parking Standards SPG.

Councillor Knight, Royal Leamington Spa Town Council, addressed the Committee in objection to the application.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Edgington that the application should be granted in accordance with the officer's recommendation.

Resolved that W/18/0854 be granted subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan submitted on 2nd May 2018 and plan layout submitted on 10th May 2018 and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
- (3) all waste bins associated with the property shall be stored within the garage at all times with the exception of collection day. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1, BE3 & H6 of the Warwick District Local Plan 2011-2029.

PLANNING COMMITTEE MINUTES (Continued)

36. W/18/0138 – Land on the South East side of Radford Semele

The Committee considered an application from Bovis Homes Limited for the variation of Condition 1 of planning permission W/17/0152, to replace reference to approved drawing RAD 2-05-002 rev B with reference to the following drawing numbers, in order to reflect changes in the finished levels across the site:

Private Drainage & External Works, Sheet 1 of 6, Dwg No. RAD2-05-P180 rev C Private Drainage & External Works, Sheet 2 of 6, Dwg No. RAD2-05-P181 rev D Private Drainage & External Works, Sheet 3 of 6, Dwg No. RAD2-05-P182 rev C Private Drainage & External Works, Sheet 4 of 6, Dwg No. RAD2-05-P183 rev C Private Drainage & External Works, Sheet 5 of 6, Dwg No. RAD2-05-P184 rev D Private Drainage & External Works, Sheet 6 of 6, Dwg No. RAD2-05-P185 rev C.

The application was presented to Committee because of the number of objections received. The application had been deferred at the Planning Committee in May 2018 in order to seek additional information from the applicants in the form of cross sections and street scene drawings to demonstrate how the level changes affected the overall appearance of the site. Additional detailed drainage information was also requested as per the requirements of the County Flood Team.

These drawings and information had been submitted and were incorporated into the presentation for consideration by Members of the Planning Committee.

The report advised that the proposal sought to vary condition 1 of a previous approval to regularise the as-built levels on the site compared to those approved under W/17/0152.

In assessing the proposal, officers were satisfied that the variation of the condition to allow variations to levels across the site and the revised levels did not result in any significant harm to the character and amenity of the area, amenity of neighbours, highway safety or matters of ecological importance.

Following consideration of the report and presentation it was proposed by Councillor Edgington and seconded by Councillor Morris that the application should be granted in accordance with the recommendations in the report.

Resolved that W/18/0138 be granted subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings RAD2/02/210, RAD2/02/250, HTPD_P2B_AFF, HTPD_S110, HTPD_S241 LTH_1, HTPD_S351 LTH_1, HTPD_S351 LTH_3, HTPD_S461_1, HTPD_S461_3, HTPD_P2301 1 OF 2, HTPD_P2301 2 OF 2, HTPD_P2B, HTPD_P3407, HTPD_C3003CT 1 OF 2, HTPD_C3003CT 2 OF 2
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2, HTPD_P3003v, HTPD_P3402 1 OF 2, HTPD_P3402 2 OF 2, HTPD_P4501 1 OF 2, HTPD_P4501 2 OF 2, HTPD_P506 1 OF 2, HTPD_P506 2 OF 2, HTPD_P507 1 OF 3, HTPD_P507 2 OF 3, HTPD_P507 3 OF 3, HTPD_P602 1 OF 3, HTPD_P602 2 OF 3, HTPD_P602 3 OF 3, RAD2/02/120 rev B, RAD2/02/290, RAD2/02/280 rev B and specification contained therein, submitted on 20 April 2017, approved drawings PD_AGD2-1 rev A, PD_AGS2-2 rev A, PD_AGS2-1 rev A, RAD2/02/230 rev C, RAD2/02/240 rev C and RAD2/02/260 rev C and specification contained therein, submitted on 15 May 2017, approved drawings RAD2-05-001 rev B, RAD2-05-003 rev B, RAD2-05-005 rev A, RAD2-05-006 rev A and specification contained therein, submitted on 2 June 2017, approved drawings PD_AGT2-2 rev B and PD_AGT2-1 rev B and specification contained therein, submitted on 6 July 2017, approved drawing RAD2-02-300 and specification contained therein, submitted on 10 July 2017, approved drawings RAD2-03-100 Rev.E 1 of 5, RAD2-03-100 Rev.E 2 of 5, RAD2-03-100 Rev.E 3 of 5, RAD2-03-100 Rev.E 4 of 5, RAD2-03-100 Rev.E 5 of 5 and RAD2-03-101 Rev.D and specification contained therein, submitted on 14 July 2017, approved drawing RAD2-02-750 Rev.A and specification contained therein, submitted on 18 July 2017, approved drawing RAD2/02/100 rev G and specification contained therein, submitted on 19 July 2017 and RAD2-05-P180 Rev C, RAD2-05-P181 Rev D, RAD2-05-P182 Rev C, RAD2-05-P183 Rev C, RAD2-05-P184 Rev D and RAD2-05-P185 Rev C and and specification contained therein, submitted on 30 January 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (2) no part of the development hereby permitted shall be commenced until a revised Biodiversity Impact Assessment (BIA) calculation has been undertaken by a suitably qualified ecologist and the report detailing the findings submitted to and approved in writing by the Local Planning Authority. **Reason:** To safeguard the presence and population of protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

- (3) 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 BE1 and NE4 of the Warwick District Local Plan 2011-2029;

- (4) the development hereby permitted shall be carried out in strict accordance with the updated details of surface and foul water drainage works submitted to the local planning authority. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;

- (5) the development shall not be occupied until the emergency access onto the C91 Offchurch Road has been constructed to include provision for pedestrian access including appropriate dropped crossings to both the north and south side of the carriageway together with the installation of traffic signs in accordance with the Traffic Signs Manual 4, diagram 562 with sub-plate 563 on the westerly approach to the emergency/pedestrian, together with all other ancillary works, in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority. **Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (6) no dwelling/building shall be occupied until the estate roads including footways, serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and

PLANNING COMMITTEE MINUTES (Continued)

- (7) the construction of the estate roads serving the development including footways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

37. W/18/0774 – 8 Carter Drive, Barford

The Committee considered an application from Harrison Projects Ltd for the proposed erection of a four bedroom family house and associated garaging and parking.

The application was presented to Committee because of the number of objections received including one from Barford Parish Council.

The officer was of the opinion that the proposal would provide an additional dwelling which would not have a harmful impact on neighbouring amenity or the street scene. The proposal was not considered to be harmful to the Conservation Area or setting of any listed buildings. The proposal provided adequate parking and access arrangements and was considered to provide adequate living conditions for the future occupiers of the dwelling. The proposal was therefore recommended for approval.

An addendum circulated at the meeting provided comments made by the applicant's agent in response to Barford Parish Council's concerns. The comments covered various issues including the height of the proposed dwelling, the size of footprint and the location of the proposed property in relation to a nearby tree.

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

Resolved that W/18/0744 be granted subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawing 18/CAR/01/C and block plan, and specification contained therein, submitted on 7th June 2018 and 8th June 2018 respectively. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1

PLANNING COMMITTEE MINUTES (Continued)

and BE3 of the Warwick District Local Plan 2011-2029;

- (3) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029:

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

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented in strict accordance with the approved details.

Reason: To ensure the necessary infrastructure and facilities are provided in accordance with Policy HS4 of the Warwick District Plan 2011-2029;

- (4) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (5) no part of the development hereby permitted shall be commenced until a scheme for the provision of 1 bat box to be erected on tree/building within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the box shall be installed in accordance with the approved details and maintained in perpetuity. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework

PLANNING COMMITTEE MINUTES (Continued)

and Policy NE2 of the Warwick District Local Plan 2011-2029;

- (6) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the anticipated movements of vehicles; the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; a turning area within the site for construction vehicles; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway.

Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029;

- (7) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;

- (8) the development hereby permitted shall not commence until details of both hard and soft landscaping works have been submitted to an approved in writing by the Local Authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct

PLANNING COMMITTEE MINUTES (Continued)

run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. Thereafter, the development shall be carried out in accordance with the approved details. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (9) no development shall commence until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments.

Reason: To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029;

- (10) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for

PLANNING COMMITTEE MINUTES (Continued)

the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

- (11) the access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** To ensure the protection of highway safety and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (12) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for its whole length as measured from the near edge of the public highway carriageway. **Reason:** To ensure the protection of highway safety and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (13) the gradient of the access for vehicles to the site shall not be steeper than 1 in 20 for its whole length, as measured from the near edge of the public highway carriageway. **Reason:** To ensure the protection of highway safety and pedestrian safety in accordance with Policies TR1 of the Warwick District Local Plan 2011-2029;
- (14) any fruit tree removed to accommodate the proposed new dwelling in pursuance of this

PLANNING COMMITTEE MINUTES (Continued)

permission shall be replaced by trees of a similar size and of the same species in a nearby place within the site unless otherwise agreed in writing by the District 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 NE2 of the Warwick District Local Plan 2011-2029;

- (15) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted . Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029; and
- (16) the dwelling shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings (*numbered and dated*) have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 and TR4 of the Warwick District Local Plan 2011-2029.

38. Planning Appeals Report

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

Resolved that the report be noted.

PLANNING COMMITTEE MINUTES (Continued)

39. Public and Press

Resolved that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minute No.	Para Nos.	Reason
40	5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

40. Urgent Item – Update on Land South of Gallows Hill, Warwick

The Committee considered a verbal report from the Development Services Manager, relating to the appeal on application W/17/0699 at Land South of Gallows Hill, Warwick.

The full minute of this item would be detailed in the confidential minutes of the meeting.

Following consideration of the report, it was proposed, duly seconded and

Resolved that officers will defend the appeal in line with the advice given at the meeting.

It was agreed by the Chairman that this item would be considered as an urgent item due to the timeframes involved in defending the appeal.

(The meeting ended at 11.28 pm)

CHAIRMAN
17 July 2018

Planning Committee: 17 July 2018

Item Number: 5

Application No: [W 18 / 0400](#)

Town/Parish Council: Cubbington
Case Officer: Holika Bungre

Registration Date: 03/04/18

Expiry Date: 29/05/18

01926 456541 Holika.Bungre@warwickdc.gov.uk

85 Rugby Road, Cubbington, Leamington Spa, CV32 7JH

Erection of a two storey and a single storey rear / side extension and a porch.
FOR Mrs S Warrington

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

RECOMMENDATION

The Planning Committee are recommend to Grant the application subject to conditions.

DETAILS OF THE DEVELOPMENT

This amended application seeks planning permission for the erection of a two storey rear extension (of 6.5m depth from the first floor rear wall of the main house) and a single storey rear/side extension (of 4.3mm depth from the ground floor rear annexe wall), and a replacement porch. These depths have been decreased by 1.5m and 1m respectively so that the first floor element would not breach the 45 degree angle to the new dwelling (approved by extant permission W/16/0754 at No. 87) if built.

While the single storey rear element will extend an existing annexe, the upper floor of the annexe will be closed off and become part of the main house. 2 No. Juliet balconies are proposed at the rear of the two storey element (in place of the originally proposed recessed balcony which has been removed in order to decrease the depth as per the above).

THE SITE AND ITS LOCATION

The application site relates to a detached residential dwelling located to the north west side of Rugby Road in Cubbington, near to the corner of Kenilworth Road. The property currently benefits from a two storey side extension that formed an annexe, and a single storey rear conservatory.

PLANNING HISTORY

W/07/0397 - Granted (not implemented) - Erection of two storey front extension.

W/04/1874 - Granted - Erection of a two storey side extension, rear conservatory and pitched roof over porch and creation of new vehicular access onto Rugby Road.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Cubbington Parish Council: Objection to original scheme on grounds of overdevelopment. Proposals are considerable upon an already extended property.

WCC Ecology: Recommend initial bat survey.

Public Response: 3 objections to original scheme:

- Significant extensions to the rear past rear building line.
- Overlooking from rear balcony.
- Separation distances not met to No. 2 Kenilworth Road.
- Extensions will be overbearing to property and gardens.
- Plans do not show all outbuildings in applicant's garden.
- Other comments non-material to the planning application were raised.

ASSESSMENT

Design, Scale and Impact on the Street Scene

The porch works are considered acceptable and suitable in scale and design, and will not be harmful to the street scene.

While the proposals are fairly deep to the rear, they are subservient to the house. They are not considered harmful to the property overall, and are not considered to be overdevelopment, having taken into account the Parish Council objection and other comments, especially as amended. The adopted Residential Design Guide does not give specific guidance on restrictions of depths or building lines to the rear and it is considered that a refusal on the ground of overdevelopment could not be sustained on appeal.

Furthermore, a substantial private rear amenity area will remain; based on the upcoming Residential Design Guide, the private outdoor area that should remain for a house with this resulting number of bedrooms would be 60 sq m, whereas 355.2 sq m will remain; substantially over the upcoming requirement. Furthermore, the extensions will not be visible from the street scene, and so will not cause harm to it.

Impact on Neighbour Amenity

There will be no breaches of the 45 degree angle by way of the proposals, and so the extensions will not be overbearing or cause a loss of light to the neighbour adjacent at No. 87. The depth of the two storey element has been decreased by 1.5m (from 8m down to 6.5m) to ensure that it would not breach the 45 degree angles to any part of the new dwelling approved at No. 87 adjacent, if the dwelling was built.

The required separation distances are exceeded to No. 2 Kenilworth Road. Where the required distance is 12m (between the rear of No. 2 and the side of the two storey element), 13.5m-15.6m has been provided, and therefore the two storey extension will not be directly overbearing or cause a direct loss of light to No. 2 Kenilworth Road. Furthermore, the extensions are also at a slight outward angle to this neighbour, further lessening the impact on this property and garden. No separation distances apply between the single storey extension and No. 2.

There will be no cause for overlooking as there are no first floor windows proposed to the side. The rear balconies are Juliet balconies and so do not provide a platform to stand on. As such they only directly overlook the applicant's own garden, and therefore no material harm will be caused to neighbouring gardens or properties here.

Ecology

While County Ecology have recommended an initial bat survey, it is considered reasonable and sufficient that a bat note is added for this.

Other Matters

While it is acknowledged that all of the applicant's outbuildings are not shown on the plans, they are not required to be and will not impact upon the assessment of the application in any of the above respects.

SUMMARY/CONCLUSION

The proposed extensions will be suitable in design and scale for the main property overall, and will not impact upon the street scene. They will not cause material harm to the surrounding neighbours nor the dwelling which could be built under an extant planning permission at no. 87 and therefore the application should 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 drawings 001, 050 and 200 submitted on 28th February 2018, drawings 100A, 150A, 300A and 400A submitted on 2nd July 2018 and drawing 151B submitted on 3rd July 2018 and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
-

Application No: [W 18 / 0676](#)

Town/Parish Council: Stoneleigh
Case Officer: Emma Spandley
01926 456553 emma.spandley@warwickdc.gov.uk

Registration Date: 17/05/18
Expiry Date: 12/07/18

North Lodge, Coventry Road, Stoneleigh, Coventry, CV8 3DT
Demolition of existing outbuilding and erection of a replacement detached outbuilding. FOR Mr & Mrs Crofts

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

RECOMMENDATION

The application is recommended for refusal for the reasons listed below.

DETAILS OF THE DEVELOPMENT

The application proposes the demolition of an existing garage / store and the erection of replacement detached building.

THE SITE AND ITS LOCATION

North Lodge is a mid 19th Century ashlar cottage in neo-Tudor design. It has a steeply pitched plain tile roof with four gabled ends and wide eaves and bargeboards and is Grade II Listed. It is located within the grounds of the listed Stoneleigh Deer Park.

PLANNING HISTORY

W/15/1006/LB - Proposed rebuilding of the rear bay window, building up off the existing stone base, with stone mullions and transoms, a slated roof and timber windows to infill. Replacement of the existing brown windows with white painted single glazed timber windows, with diamond pattern lead. In addition secondary glazing within a matching frame internally - Granted 17th August 2015.

W/11/1409 & 1410/LB - Removal of existing oil tank and replace with LPG storage tank, granted 29th Feb 2012.

W/97/1001 & 1002/LB - Erection of a detached building to provide garaging, with workshop over (after demolition of existing garage); erection of a conservatory and utility room including increase in roof height of outbuildings and re-roofing; construction of garden wall to provide garden enclosure, granted 5th November 1997.

RELEVANT POLICIES

- National Planning Policy Framework

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)

SUMMARY OF REPRESENTATIONS

Stoneleigh and Ashow Parish Council: Support

Historic England: No objection

Ecology (WCC): No objection

Highways (WCC): No objection

ASSESSMENT

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

- Whether the proposal constitutes appropriate development in the Green Belt and if not, whether any very special circumstances exist to outweigh the harm by reason of inappropriateness.
- Impact on the Listed Building, Conservation Area and Registered Park and Garden.
- Impact on neighbours.

Whether the proposal constitutes 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

The application property is located within the Green Belt. The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. The NPPF states, inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. (Para 87.)

Paragraph 89 of the NPPF states the construction of new buildings within the Green Belt are inappropriate. However, there are a few exceptions, including, extensions to existing buildings & replacement buildings, which are not materially larger than those they replace.

The application seeks to replace two existing single storey, low profile, wooden, dilapidated garages, which are located to the south side of the property adjacent to the entrance to Stoneleigh Park beyond.

The existing buildings have a floor area of 59m², with a volume of 119.97m³.

The proposed building has a floor area of 64.20m², with a volume of 192.60m³.

The floor area of the proposed building is a 9% increase in the floor area of the existing building, whilst the volume of the proposed building in its entirety, is a 60% increase of the existing building.

To put it into context, whilst the floor area of the existing and proposed building is not materially larger, the roof structure of the existing building has a volume of just 8m³, compared to the proposed building having a roof volume of 51.36m³.

On this basis, looking at the building as a whole and taking into account not just the floor area calculations but also the volume calculations, the proposed building is considered to be materially larger than the one it replaces and therefore, fails the exception test set out within paragraph 89 & 90 of the NPPF.

Very Special Circumstances

As noted above, the proposed replacement garage building is materially larger than the building it replaces and therefore is considered to be inappropriate development within the Green Belt. The NPPF states, inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The agent has indicated that due to the siting of the proposed building within the grounds of not only a grade II listed lodge, but also within a registered park and garden the design of the roof, which is where the majority of the additional bulk and massing is contained, responds to the prominent setting and has been carefully designed to harmonise with the main Grade II listed house.

The circumstances that the agent has put forward with regards to the setting of the garage building and the impact on the Listed Building are noted, but are not considered to amount to very special circumstances. The footprint of the building could, for example, be reduced in order to comply with the Green Belt policy and the design of the building remain acceptable in relation to the Listed Building and the adjacent registered park and gardens.

Design and Impact on the Listed Building & Registered Park and Garden

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a conservation area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 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 garage will have a similar footprint to the existing garages, but will have an eaves height of 2.2 metres with a ridge height of 4.5 metres. The building is a simple double garage structure which sits well with the existing building on site. The proposed building will also be constructed from brick and tile roof.

No objection in principle is raised by the Conservation Officer to a replacement garage structure on the site, which is located in the vicinity of the Grade II Listed North Lodge, as the existing modern structure is poorly built and in a state of disrepair. The materials for rainwater goods (metal), windows (timber and single glazed) and roofing (plain tiles) are both well considered and sympathetic with the setting of the Listed building. Furthermore, Historic England has raised no objections.

The proposed works are considered to have a neutral impact on the setting of the Grade II Listed Building and the adjacent park and garden and are considered to be in accordance with Policy HE2 of the Local Plan.

Impact on neighbours

There are no immediate neighbours who would be impacted by the proposed garage.

Summary

The property, the subject of the application, is within the Green Belt and the proposed replacement garage is considered to comprise inappropriate development to which there is an objection in principle in respect of which, no very special circumstances have been demonstrated.

REFUSAL REASONS

- 1 The property, subject of the application, is within the Green Belt, wherein the Planning Authority is concerned to ensure that the rural character of the area will be retained and protected in accordance with Local Plan Policy DS18 and national policy guidance contained in the National Planning Policy Framework (NPPF). The NPPF states that the replacement of existing buildings in green belt areas may be appropriate provided the new building is not materially larger than the one it replaces.

The proposed garage would be materially larger than the garage that is to be replaced. Therefore the proposals constitute inappropriate development within the Green Belt. By reason of the increased size, the proposed garage would reduce the openness of the Green Belt. No very special circumstances exist to outweigh the conflict with Green Belt policy and the harm to the openness of the Green Belt.

The proposals are thereby considered to be contrary to the aforementioned policies.

Planning Committee: 17 July 2018

Item Number: 7

Application No: [W 18 / 0805](#)

Town/Parish Council: Lapworth

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 02/05/18

Expiry Date: 27/06/18

The Oak, Stratford Road, Beaudesert, Stratford on Avon

Part retrospective application for retention of existing development on site comprising 60-bedroom hotel. Including demolition of existing function room, three storey rear extension and conversion of space on ground and first floors of existing public house/restaurant. Ground floor extension to existing restaurant and external alterations including amendments to rear extension to provide amended roof line and new windows, 2 no. gables on rear elevation, plus associated landscaping and car park alterations. FOR Westbourne Leisure Limited

This application is being presented to Committee due to an objection from Tanworth Parish 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 part retrospective planning permission for the retention of the existing development on site comprising a 60-bedroom hotel. This includes demolition of existing function room, three storey rear extension and conversion of space on ground and first floors of existing public house/restaurant. The development also includes a ground floor extension to existing restaurant and external alterations including amendments to rear extension to provide amended roof line and new windows, 2 no. gables on rear elevation, plus associated landscaping and car park alterations.

There is also an application currently submitted to Stratford District Council (SDC) (18/00312/FUL) for the same description of development which seeks to regularise the site. In comparison to the previously refused application (16/00450/FUL), the proposal has been amended which includes the following:

- Reduction in number of rooms to enable a reduced roofscape and overall building mass;
- Extension of the roof line to be similar to the front elevation;
- Installation of black rainwater goods and painted brickwork below DPC, again to tie in with the original building;

- Introduction of timber posts, buttress walls and corner roof features, to tie in with the front elevation;
- Provision of window fenestrations to match the original building;
- Extension of existing wall along length of the side elevation of the building; and
- Removal of the roof and replacement with lower level roof, removing the existing dormer windows and replacing them with rooflights, as per the front elevation.

However, it should be noted that only a very small section of the site and proposal lies within Warwick District, namely the fire escape and very end of the rear extensions. As such, Warwick District Council are only making a decision on these elements of the scheme.

THE SITE AND ITS LOCATION

The site lies on the edge of the District, in the Green Belt, with the majority of the existing developed site and its access within Stratford District. The rear boundary is onto a narrow country lane with mature trees in an overgrown hedge. The building is a large public house with hotel accommodation which has a low eaves at the front with dormer and gable projections. The rear wing is 2.5 storeys with dormers and gable, and the entire building is white painted render with a brown tiled roof.

PLANNING HISTORY

Planning permission was refused in 2009 for a 70 bedroom hotel and in 2010 for a 40 bedroom extension to the hotel which was dismissed at appeal. There have been further permissions on the site for various alterations and extensions, but these have not involved development within Warwick District. Planning permission was granted for a 14 bedroom extension in the form of a rear wing following demolitions in 2012 by SDC, since this was outside Warwick District (12/02929/FUL and 13/01607/VAR).

The Planning Statement notes that following on from granting planning permission for the 14 bedroom extension, that the applicant determined that this would not provide a viable return on the investment required. This resulted in the unlawful construction of a 45 bedroom extension to provide hotel accommodation, including the erection of two gables at the rear of the building, with the main building being used as a public house, restaurant and conference space on the ground floor. The first floor was converted to provide an additional 17 bedrooms, creating 62 bedrooms in total.

In 2014 a retrospective application was granted by Warwick District Council for a rear extension to provide overnight accommodation (use class C1) and minor alterations to the car park (W/14/0387). This sought to regularise the site, and was assessed by Warwick District Council because the fire escape extends into the District, which was why an application was required to be submitted to this LPA when it was not required previously.

An application was also submitted to SDC to regularise the site (16/00450/FUL), however, this was refused due to the detrimental impact of the development on the Green Belt and the fact that the development was not appropriately related to the scale and nature of the existing activities on the site. At the same time an application was submitted to SDC (16/00451/FUL) for retrospective planning permission for extensions to provide 44 hotel bedrooms, which was approved, and included the two rear gable extensions and extensions to the restaurant.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- CT2 - Directing New or Extended Visitor Accommodation (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: No objection.

Tanworth Parish Council: Objection, permission should not be granted for the same reasons given by Stratford District Council when refusing permission for application 16/00450/FUL. The reduced scheme does not justify permission. Confidence in the planning system would be severely damaged if a 62 bedroom hotel were built without permission and allowed to remain.

Councillor George Atkinson (Ward Councillor Tanworth-in-Arden): Supports application, the NPPF states that rural businesses should be supported because of employment needs, which also exists in its Core Strategy as well as their Core Objectives. Whilst the site is located within the Green Belt, this and other planning policies accumulate to very special circumstances.

WCC Ecology: Awaiting updated comments.

WCC Landscape: No objection, if permission is granted, a condition should be attached for a landscaping scheme.

ASSESSMENT

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

- Principle of the Development & Impact on the Green Belt
- The impact on the Character and Appearance of the Area
- The impact on the living conditions of nearby dwellings
- Parking
- Ecological Impact
- Health and Wellbeing

Principle of the Development & Impact on the Green Belt

Tanworth Parish Council have objected to the proposal, stating that permission should not be granted for the same reasons given by SDC when refusing permission for application 16/00450/FUL. They also state that the reduced scheme does not justify permission, and confidence in the planning system would be severely damaged if a 62 bedroom hotel were built without permission and allowed to remain.

Councillor George Atkinson (Ward Councillor Tanworth-in-Arden) has supported the application, and notes that the NPPF states that rural businesses should be supported because of employment needs, which also exists in its Core Strategy as well as their Core Objectives. Whilst the site is located within the Green Belt, this and other planning policies accumulate to very special circumstances.

The whole site lies in the Green Belt where the NPPF does not regard the erection of extensions or alterations to buildings as inappropriate development providing it does not result in disproportionate additions to the original building. Policy CT2 of the Local Plan states that extensions to visitor accommodation will only be permitted where these do not significantly intensify the use of the site or establish new uses which are not ancillary.

Under the previous submission in 2014 to WDC, Officers considered that there was a clear and realistic fall back position in the permission granted by SDC in 2012. This was for a very similar large rear extension to the building which was considered to not result in a disproportionate addition to the building by increasing the size by 23%. The permission was a similar size to a rear wing which was demolished, and it was considered that the proposal improved the setting of the Green Belt by replacing an ad hoc extension in need of repair, and that there would have been no further encroachment into the open countryside. A case was also accepted that the extension would improve the viability of the business by enabling weddings, events and conferences to be attracted to the improved facilities. A similar case also applies to this application, in that SDC approved a 44 bedroom hotel room extension in 2016, which represents a genuine fallback position for the extension of visitor accommodation in this location.

The principle of altering the building and fire escape is therefore considered acceptable since the extension is very similar to that previously granted, which was considered appropriate development in the Green Belt. The additional development now proposed in the District is very limited and would not result in

a disproportionate addition to the original building. In fact, the alterations would reduce the ridge height of the section of development located within the District, replacing dormers with rooflights, which is considered to have less of an impact on the Green Belt than the existing structure.

The development is therefore considered to be in accordance with Local Plan policies CT2 and DS18 and the NPPF.

The impact on the Character and Appearance of the Area

Under the previous application approved by Warwick District Council in 2014, Officers considered that the open, lightweight nature of the framework, which was not enclosed, would not have a material impact on the openness of the countryside or extend the impression of built development on the site. The fire escape which has been installed is materially different, being slightly wider, however, this still remains an open, lightweight structure which is not considered to materially impact on the openness of the countryside.

The fire escape is also positioned on the rear of the building, where it is not visible within the street scene, and is not considered to be harmful to the character of the area. When considered against the context the site, and recognising that it would be required for fire safety purposes, it is considered that the fire escape would be acceptable in design terms.

The development as proposed is considered to reflect the design of the main part of the property and is not considered to be harmful to the street scene. The majority of the development lies within Stratford District, however, a condition will be added to secure the use of matching materials to those of the existing building for the proposed alterations to ensure an appropriate form of development.

WCC Landscape have commented on the application and request that if permission is granted, a condition should be attached for a landscaping scheme. However, owing to the very limited nature of the area of development which actually lies within the District, this is not considered necessary or reasonable to request.

The development is therefore considered to accord with Local Plan policy BE1 and the NPPF.

The impact on the living conditions of nearby dwellings

The nearest neighbour to the application site is over 60 metres from the proposed development. It is therefore considered that there would be no harm to neighbouring residential amenity as a result of the proposal.

The development is therefore considered to accord with Local Plan policy BE3 and the NPPF.

Parking

The current site has 62 bedrooms (unlawfully) and benefits from a large car parking area providing 131 spaces. The proposal would see a reduced number of bedrooms to 60 and the site already has permission for 44 bedrooms. The Council's Vehicle Parking Standards guidance would require 1 parking space per bedroom in this low accessibility zone, and therefore the car park provides ample space for the proposed number of bedrooms.

Ecological Impact

WCC Ecology requested an initial bat survey of the property as there is a record of a bat roost within the building. This has been provided by the applicant and Officers are awaiting updated comments regarding the survey from WCC Ecology. Planning Committee will be updated on this matter prior to the meeting.

Health and Wellbeing

The proposal would regularise part of the site and provide additional visitor accommodation which is considered to provide wellbeing benefits.

Conclusion

It is therefore considered that the proposed development which lies within Warwick District would have no increased detrimental impact on the openness of the Green Belt or character of the countryside. The development would cause no harm to neighbouring residential amenity and would provide adequate parking. 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 drawings PA-212, PA-213, PA-214 and PA-215, and specification contained therein, submitted on 25th April 2018. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

Planning Committee: 17 July 2018

Item Number: 8

Application No: W 18 / 0842

Town/Parish Council: Kenilworth

Case Officer: John Wilbraham

01926 456539 john.wilbraham@warwickdc.gov.uk

Registration Date: 01/05/18

Expiry Date: 26/06/18

2 Oaks Precinct, Caesar Road, Kenilworth, CV8 1DP

Change of use from retail (Use Class A1) to podiatry advice centre (Use Class D1). FOR Mrs Harrison

This application is being presented to Committee as the Ward Member supports the application and it is recommended for refusal and there have also been over 5 letters of support received from members of the public.

This application was deferred from the previous Planning Committee meeting on 19 June 2018 to seek further evidence of marketing and important unmet local need.

RECOMMENDATION

Members are recommended to refuse planning permission for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

This application seeks planning permission to change the use of the building from an A1 retail use to a D1 use. No external changes to the building are proposed. The proposal is identical to the previous application (ref: W/18/0115) which was refused under delegated powers in April 2018, albeit with an increased level of ancillary sales element indicated.

THE SITE AND ITS LOCATION

The application site is located within a small court of retail units that form an L-shape set around an area of public open space. The site forms part of the Oak Precinct Local Shopping Centre as designated in the Local Plan. The shopping area is surrounded by predominately residential dwellings.

PLANNING HISTORY

W/18/0115	Change of use from A1 (retail) to D1 (podiatry clinic)	Refused
W/15/1860	Insert high level windows in side elevation at ground floor	Granted

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- TC17 - Local Shopping Facilities (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection

Councillor Davies: Support

WDC Environmental Health: No objection

Public Response: 30 letters of support have been received on the following grounds: Will improve access to facility, parking available, close to town, shortage of podiatry services in Kenilworth, reuses currently empty unit and increased footfall for other businesses in the area.

ASSESSMENT

Principle of development

Policy TC17 (Local Shopping Facilities) of the Local Plan seeks to protect the primary shopping function of those areas formally designated as Local Shopping Facilities. Changes of use from A1 to other A Class uses are permitted, subject to certain criteria. However, the policy states that the change of use from A1 to non-A Class uses will **only** be supported where it can be demonstrated that the proposed use meets an important unmet local need.

The proposed use in this case is a podiatry clinic which falls within Use Class D1 of the Use Classes Order. In an attempt to overcome the previous reason for refusal, the applicant has sought to indicate an increased level of ancillary sales and also to demonstrate how the use would meet an unmet local need. The justification provided is that the majority of the clients, some 60%, are from the Kenilworth area and that the numbers of clients has been steadily increasing over the past couple of years demonstrating a demand for this service. In addition it is stated that there is only one other podiatry surgery within Kenilworth, which does not have designated parking, as well as a couple of mobile domiciliary services.

Information was submitted with the original application that relates to the need for the business to grow due to the increased numbers of clients and that in the present location this is not possible. It also sets out that the accessibility of the application unit is more appropriate for the clients given the level access into the unit and the availability of parking adjacent to it.

Since the previous committee, additional information has been provided that relates specifically to the marketing of the unit and how the proposal meets an important unmet local need. The marketing information comes from the landlords and the marketing consultants they have appointed. It states that the unit was offered to two other mobility retailers when the current occupier decided not to renew the lease. They both turned it down and marketing agents were instructed and began advertising it for any other retail use from December 2017. They state that there has been no interest in the unit from retail businesses due to the location of the unit and the changing face of the retail sector. The information on marketing submitted is noted. However, it is not considered relevant to the assessment of the proposed change of use as Policy TC17 states that this is only taken into account in assessing a change of use from A1 to other A class uses, not for changes of use to non-A1 uses as is the case here.

The applicant has stated that there is no other retail unit in Kenilworth which stocks the type of products that they would be able to offer and with the new unit it would allow them to provide an even greater retail element, as the front of the unit with its shop window could be purely retail with the treatment rooms located in the back.

In the opinion of Officers, whilst the submitted information indicates that a need has been demonstrated in terms of the increasing number of clients using the businesses, it is considered that it has not been adequately demonstrated that the business would meet *an important unmet local need* as 60% of the clients are from all over Kenilworth and 40% from outside of Kenilworth. A number of representations have been received from the public in terms of the need for a podiatry clinic with the majority of the respondents being existing patients of the business. There is no information on how many clients the business has had to turn away which would more accurately show an unmet need existed, whilst reference is made to the other chiropody clinic in Kenilworth there is again no information that they are turning away patients.

As such, it is considered that the proposal would be contrary to Policy TC17.

Impact on character of surrounding area

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

The proposal would make no changes to the building and as such the proposal is not considered to have an impact on the surrounding area having regard to Policy BE1.

Impact on adjacent properties

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

The proposed use as a podiatry clinic is not considered to give rise to any issues in terms of noise or odours that would impact the residents adjacent to the unit. This is supported by Environmental Health who have no objections to the change of use. As such I consider the proposal would accord with Policy BE3.

Access and Parking

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

The application unit is located adjacent to a parking area that is associated with the shopping facilities provided. The site is also served by public transport. The actual access to the unit is level meaning it is fully accessible for users with mobility issues. The Highways Authority have not yet responded on this application but on the previous submission they raised no objection. The proposals are therefore considered to accord with Policies TR1 and TR3.

REFUSAL REASONS

- 1 Policy TC17 of the Warwick District Local Plan 2011-2029 seeks to protect the designated Local Shopping Centres by resisting a move away from A1 retail uses. It states that the change of use from A1 to a non- A Class Use will only be supported where it can be demonstrated that the proposed use meets an important unmet local need.

The submitted information is not considered to adequately demonstrate that the change of use from A1 to D1 is required to meet an important unmet local need that justifies the loss of a retail unit within this Local Shopping Centre. The development is therefore contrary to Policy TC17 of the Warwick District Local Plan 2011-2029.

Planning Committee: 17 July 2018

Item Number: 9

Application No: W 18 / 0902

Town/Parish Council: Kenilworth

Case Officer: Rebecca Compton

01926 456544 rebecca.compton@warwickdc.gov.uk

Registration Date: 14/05/18

Expiry Date: 09/07/18

24 Courthouse Croft, Kenilworth, CV8 2QZ
Erection of single storey side extension FOR Mr Rae

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal is for a single storey side extension.

THE SITE AND ITS LOCATION

The application property is a two storey semi-detached dwelling located within a highly built up residential area, situated at the end of Courthouse Croft, Kenilworth. The Permitted Development Rights have been removed for this property.

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Object on the grounds that the proposal is unneighbourly, overdevelopment and doesn't retain sufficient parking for two cars.

WCC Ecology: Recommend informative notes relating to bats and nesting birds.

Public Response: 6 Letters of objection have been received on grounds of loss of light, privacy, overlooking, refuse and parking.

DETAILS OF THE DEVELOPMENT

The proposal is for a single storey side extension.

THE SITE AND ITS LOCATION

The application property is a two storey semi-detached dwelling located within a highly built up residential area, situated at the end of Courthouse Croft, Kenilworth. The Permitted Development Rights have been removed for this property.

PLANNING HISTORY

No relevant planning history.

ASSESSMENT

The key issues relating to this proposal are:

- Design and impact on the street scene
- Parking
- Impact on the amenity of neighbouring properties

Design and impact on the street scene

The proposed single storey side extension is in line with the existing front elevation of the building. The extension will be constructed of matching brick and tile to compliment the existing property and surrounding area. The design of the proposed extension is considered acceptable. The proposed extension is set in from the side boundary and therefore no part of the extension will overhang to the neighbouring property. The existing property is set back from the road and benefits from a large drive. There is space to store bins to the front of the property in line with other properties in the street scene which would not be out of character within the street scene.

The proposal is therefore considered to comply with Local Plan policy BE1 and the Residential Design Guide SPG.

Parking

The property is required to provide two off road parking spaces in accordance with the Vehicle Parking Standards SPD. The property currently has sufficient space for two cars and therefore the proposal will need to retain this level of off road parking. The property benefits from a large drive in which part of the public footpath has been incorporated into the driveway. The case officer has consulted the Highways Authority on this matter and they have raised no objection to the current driveway and have commented that a number of properties in the immediate area have incorporated the public footpath into their gardens/driveways. Due to the number of examples of this in the street scene, the Highways Authority have commented that they will not be taking action on this matter. The proposal will retain sufficient space for the parking of two cars and therefore is considered to comply with the current Vehicle Parking Standards.

Impact on the amenity of neighbouring properties

The proposed side extension will not breach the Council's adopted 45° line from either of the neighbouring properties at Nos.26 and 22 Courthouse Croft. The neighbouring property at No.26 Courthouse Croft benefits from a secondary window to the side of the property serving the kitchen. Whilst the proposed extension would bring a brick wall closer to the property at No.26, the kitchen does benefit from another window to the front of the property and therefore it is considered there is sufficient light to this room. In terms of outlook, the existing side window to the neighbour is currently facing a fence and a blank wall and whilst the proposed extension would bring built development closer to the house this would not result in material harm and there would be adequate levels of outlook from the other window. The proposal is therefore considered not to result in material harm to the living conditions of the occupiers of the neighbouring properties in terms of loss of light and outlook and thus complies with Local Plan policy BE3 and the Residential Design Guide SPG.

Conclusion

The objections received are noted, however, for the reasons outlined there is considered to be no material harm as a result of the proposed development.

The proposed side extension is considered of an acceptable design for the area and does not create a negative impact upon the amenity of neighbouring properties in terms of loss of light, outlook and privacy. In addition the proposal retains sufficient parking for two cars in accordance with the adopted guidance. The application is therefore recommended for approval.

CONDITIONS

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

approved drawing 002, and specification contained therein, submitted on 14th May 2018. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON**: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
-

Planning Committee: 17 July 2018

Item Number: 10

Application No: W 18 / 0954

Town/Parish Council: Lapworth

Case Officer: Rebecca Compton

01926 456544 rebecca.compton@warwickdc.gov.uk

Registration Date: 14/05/18

Expiry Date: 09/07/18

Priory Farm, Rising Lane, Lapworth, Solihull, B94 6JD

Erection of two storey side extension and first floor extension to existing detached garage FOR Mr P Blackburn

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal is for a first floor over the existing single storey detached garage with a two storey side extension.

THE SITE AND ITS LOCATION

The application site comprises Priory Farm, which is a residential two storey dwelling house with lower slim two storey converted barn to the side. The curtilage extends back from Rising Lane with a dog leg in one side boundary, where the property adjoins one of two adjacent converted agricultural barns. These barns were originally joined to the barn adjoining the application dwelling, but have since been given consent to become detached. The site is on the northern side of Rising Lane, within the Green Belt. The application relates to a single storey detached garage situated to the front of the dwelling.

PLANNING HISTORY

The planning history for this site primarily relates to the host dwelling and not the application garage.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: Object on the grounds that the proposal is excessive in height, not in keeping with the street scene and inappropriate development.

WCC Ecology: Recommend that an Initial Bat Survey is carried out.

Public Response: Two letters of objection have been received with concerns over loss of light, privacy, overlooking and the design of the proposed building in relation to the surrounding buildings.

DETAILS OF THE DEVELOPMENT

The proposal is for a first floor over the existing single storey detached garage with a two storey side extension.

THE SITE AND ITS LOCATION

The application site comprises Priory Farm, which is a residential two storey dwelling house with lower two storey converted barn to the side. The curtilage extends back from Rising Lane with a dog leg in one side boundary, where the property adjoins one of two adjacent converted agricultural barns. The site is on the north side of Rising Lane, within the Green Belt. The application relates to a single storey detached garage situated to the front of the dwelling.

PLANNING HISTORY

None relevant.

ASSESSMENT

The key issues relating to this proposal are:

- Design and impact on the street scene
- Impact on the amenity of neighbouring properties
- Parking

Design and impact on the street scene

The application garage is set back over 25m from Rising Lane and therefore views of this building from the street are limited due to the distance from the road and the tall trees and vegetation along the northern boundary. The street scene is varied with the properties to the northern side of Rising Lane being predominantly converted agricultural buildings, set back over 35m from the main road, and the properties on the southern side of Rising Lane being large detached properties situated close to the main road. Therefore the limited views of this building will not appear incongruous in the street scene due to the

number of two storey buildings either situated close to or set back from the main road. Therefore the proposal is not considered to be uncharacteristic of this part of Rising Lane.

The proposal will be visible from the neighbouring properties Priory Barn and Rising Barn to the east of the site, which are converted agricultural buildings with a mix of single storey converted barns and a two storey farmhouse. The application garage is located close to the single storey barn conversion situated within Priory Barn along the western boundary. As the existing properties within Priory Barn and Rising Barn vary between single storey and two storey buildings, it is considered that a two storey building visible in the context of this complex would not appear out of keeping.

Two objections have been received with concerns over the proposed building appearing overbearing against the single storey barns, however, as stated above, the properties situated next to the application site vary in height and the application garage is a more modern addition that is separated from Priory Farm by a boundary wall and therefore is read separately to the converted agricultural buildings.

The proposed extensions to the garage are considered of an acceptable design and will be constructed of brick and tile to match the existing garage which is considered acceptable.

The proposal is therefore considered to comply with Local Plan policy BE1 and the Residential Design Guide SPG.

Impact on the amenity of neighbouring properties

The proposed extensions will not breach the Council's adopted 45° line taken from the neighbouring converted barn at Priory Barn. The nearest window to this property serves a store room which is not a habitable room.

The proposed extensions to the garage will not breach the Council's adopted distance separation guidelines as no properties are situated directly to the rear of the building.

Two objections have been received from neighbouring properties with concerns of overlooking to the private amenity space of the properties situated within Priory Barn and Rising Barn. The only windows facing these properties are roof lights that have been amended to be obscure glazed and non-opening to address the concerns of overlooking raised by the neighbours. As such the objections have been overcome and the proposal will not result in material harm to living conditions by reason of loss of light, outlook or privacy. A condition has been added to remove the Permitted Development Rights for any alterations to the eastern elevation to ensure no further roof lights or windows are inserted or the existing ones amended that could create an overlooking issue.

The proposal is considered to comply with Local Plan Policy BE3 and the Residential Design Guide SPG.

Parking

The property benefits from a large drive with sufficient parking for two cars in accordance with the Vehicle Parking Standards SPD.

Conclusion

The proposed extensions to the existing garage are considered of an acceptable design that will not adversely affect the setting of the building and the wider street scene. The proposal will not create a negative impact upon the amenity of neighbouring properties in terms of loss of light, outlook and privacy. In addition the proposal retains sufficient parking for two cars in accordance with the adopted guidance. The application is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (PAM 2701/03 & PAM 2701 02C), and specification contained therein, submitted on 14 May 2018 & 2 July 2018 respectively. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no alterations shall be made to the eastern elevation of the building hereby approved. **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 affect the amenity of adjacent properties. Therefore, no additional development is to be carried out without the permission of the local planning authority in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

Application No: [W 18 / 1069](#)

Town/Parish Council: Kenilworth

Case Officer: John Wilbraham

01926 456539 john.wilbraham@warwickdc.gov.uk

Registration Date: 15/06/18

Expiry Date: 10/08/18

Corner of Princes Drive, Coventry Road, Kenilworth

Erection of a new four bedroom dwelling with associated amenity and parking
FOR Mr Rose

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application is seeking permission for the erection of a four bed detached dwelling with associated parking area and garden.

THE SITE AND ITS LOCATION

The site is a corner plot of scrub land located adjacent to a T-junction which provides access to an industrial estate and housing, whilst behind it are open school playing fields. The site is just inside the Kenilworth Urban Area although a very small slither is within the Green Belt.

PLANNING HISTORY

Application number	Description of development	Decision
W/15/0489	Display of directional sign	Granted

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)

- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Objection as proposed site plan may show an inaccurate size of plot with unclear boundaries, concerns with visibility splay at junction given it is entrance to industrial estate and comment about appropriateness of dwelling overlooking school playing fields

WCC Highways: No objection subject to construction management condition

WDC Waste Management: No objection, will be serviced by alternate weekly kerb side collection

ASSESSMENT

Principle of development

Local Plan Policy H1 states that housing development will be permitted within urban areas, as identified on the policies maps. The application site is located within the Kenilworth urban boundary, and housing in this location is therefore acceptable in principle.

The Green Belt boundary runs along just inside the red line area of the application site parallel with the concrete posts shown on the site plan. No development is proposed on this small area of Green Belt land and it would be demarcated between a new 1.8m high fence and the existing fencing of the school playing field. Given that this area of land will be left unaffected and unaltered it is considered the proposal accords with the NPPF and Policy DS18.

Impact on character of surrounding area

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

The site is a corner plot and as such it should have dual frontages to address both streets on which it sits. The plans show that this is the case with the main front door on the elevation facing towards Coventry Road and the side elevation addressing Princes Drive full height glazing to give the impression of a door. The footprint of the dwelling is L-shaped with a design that gives the impression of a

1.5 storey building due to having the first floor windows set in the eaves. This aids in reducing the visual impact of the dwelling and mirrors the scale of the properties opposite on Princes Drive. The materials proposed are brick with clay tiles which again reflects the wider area whilst the location of the parking to the side of the property is in accordance with the design guide.

The site has been left open at the front between the main elevation and Coventry Road with some new additional planting to give the site a softer appearance in the streetscene. I propose to condition samples of the materials together with a landscaping plan to ensure the finished dwelling fully respects the character of the streetscene. Overall the proposal is considered to accord with Policy BE1 and the residential design guide.

Impact on adjacent properties and amenity of future occupiers

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

The nearest neighbouring properties are Flat 1 and 2 Monnington House to the north and the properties opposite across Coventry Road. The neighbouring properties are all over 30m away from the proposed dwelling which is in excess of the 22m separation distance set out in the design guide. There is not considered to be an issue in respect of loss of amenity given the detached location of the dwelling. For a no. 4 bed dwelling 60sqm of private amenity space is required. The submitted plans illustrate that 68sqm will be provided which is in excess of the required amount.

Overall the proposal is considered to accord with Policy BE3 in terms of impact on the amenity of neighbouring properties and future occupants.

The Town Council commented regarding the acceptability of a dwelling looking out over the school sports fields which are located behind the dwelling. The site is already visible from the footpath that runs along the Coventry Road whilst schools and their playing fields are located adjacent to the residential dwellings. As such there is not considered to be an issue arising from this application.

Access and Parking

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

The plans indicate that three spaces would be provided which is in accordance with the parking standard for a dwelling of this size. A turning head is also proposed which will allow the occupants to manoeuvre out and exit the site in a forward gear. County Highways were consulted on the application and raised no objection to the scheme subject to a construction management plan. They have confirmed that the visibility splays at the junction are acceptable and would not be affected by the proposal. Subject to this suggested condition the proposal is considered to be in accordance with Policy TR1 and TR3 and will not give rise to unacceptable highway safety issues.

Other Matters

Ecology

The existing site is an area of scrub land that will be cleared to allow the development to proceed. No comments have yet been received from the County Ecologist on the application however it is proposed to condition a landscaping plan so that suitable native species are planted on the site to improve the biodiversity above that of the existing area.

Low Emission

The proposal will result in additional vehicular movements and therefore there is a requirement for the provision of an electric charging point in accordance with the Council's adopted Low Emissions Strategy. This can be secured by condition.

Water Efficiency

A condition to ensure compliance with Policy FW3 will be added to any approval granted.

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) 17-1666/001e and 17-1666/003c, and specification contained therein, submitted on 4th June 2018. **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 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been

submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 4 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

- 6 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029

Planning Committee: 17 July 2018

Item Number: 12

Application No: [W 18 / 1122](#)

Town/Parish Council: Warwick
Case Officer: Liz Galloway

01926 456528 Liz.galloway@warwickdc.gov.uk

Registration Date: 04/06/18

Expiry Date: 30/07/18

33 Wilmhurst Road, Warwick, CV34 5LN

Erection of a first floor side and single storey rear extension. FOR Mr. Ian Jackson

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

RECOMMENDATION

The Planning Committee are recommend to Grant the application subject to conditions.

DETAILS OF THE DEVELOPMENT

The application relates to the proposed construction of a first floor side extension to create a bedroom and dressing room. A single storey rear extension is also proposed to extend the kitchen, dining room and utility room. Materials have been chosen to match the materials used on the existing dwellinghouse.

THE SITE AND ITS LOCATION

The application relates to a modern two storey detached dwelling with integral garage, located on the south of Wilmhurst Road. The site adjoins the railway to the south and has the canal nearby, however, the site is not within a flood zone. The property is not a Listed Building and does not lie within a Conservation Area.

PLANNING HISTORY

There is no relevant planning history.

RELEVANT POLICIES

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- Vehicle Parking Standards (Supplementary Planning Document)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

WCC Ecology: Recommend bat and bird notes.

Network Rail: No objection

ASSESSMENT

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

- Impact on the character and appearance of the street scene;
- Impact on the living conditions of the neighbouring properties;
- Ecology;
- Parking; and
- Impact on the adjacent railway land.

Impact on the character and appearance of the street scene

Warwick District Local Plan Policy BE1 states that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design.

Wilmhurst Road and the surrounding area is characterised by dwellings of differing sizes and styles. There have been a number of extensions to other properties in the locality including single storey front extensions and first floor side extensions. The application property is located on a private access drive occupied by six houses and lies at the end of Wilmhurst Road, which is a cul-de-sac.

It is considered that the proposed extensions have been designed in accordance with the adopted Residential design Guide SPG in that the ridge line of the roof has been set down from that of the existing dwelling and the facade has been set back. The extensions are considered to be generally subservient to the original dwellinghouse and will be constructed using matching materials. As the property is located at the end of the cul-de-sac adjacent to the railway bank, it is considered that the proposed extensions would not have a detrimental impact on the street scene and would not warrant a refusal in this instance.

Given the mix of dwellings and extensions to other properties and the unobtrusive position of the application site, it is considered that this proposal, as a whole, will not have an unacceptable detrimental impact on the character and appearance of the Wilmhurst Road street scene, and will therefore be in accordance with Warwick District Local Plan Policy BE1 and the adopted Residential Design Guide SPG.

Impact on the living conditions of the neighbouring properties

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

Number 31 Wilmhurst Road is located adjacent to the northern boundary of the site and has a rear conservatory. The part of the proposed single storey rear extension which lies adjacent to this neighbour will be 3 metres in depth, which potentially could be constructed using 'Permitted Development Rights'. Therefore, it is considered that the proposed single storey rear extension will not constitute an unneighbourly form of development.

The proposed first floor side extension does not lie adjacent any neighbours and there will be no conflict with the adopted 45 degree guidance in relation to any adjoining properties.

The extensions will not have a detrimental impact on any of the neighbouring properties due to their size and location, and it is therefore considered to be in accordance with Warwick District Local Plan Policy BE3.

Ecology

WCC Ecology have commented on this application site and recommend a bat and bird note be attached to the decision notice.

Parking

The existing arrangement for off street parking would meet the requirements set out in the Vehicle Parking Standards SPD and Warwick District Local Plan Policy TR3.

Impact on Railway Land

Network Rail have commented on this application site, however, as the proposed single storey rear extension will be no closer to the embankment than the existing dwelling, they have no objection. Furthermore, no ground works are proposed in the construction of the first floor side extension and therefore it is considered that this element of the development will cause no impact on any land in Network Rail ownership.

SUMMARY / CONCLUSION

The proposals would have an acceptable impact on the character and appearance of the area and on the living conditions of neighbouring dwellings. Therefore it is recommended that planning permission is granted.

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 1, and specification contained therein, submitted on 4th June, 2018. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
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