

Planning Committee: 27 March 2018

Item Number: 15

Application No: W 18 / 0201

Registration Date: 31/01/18

Town/Parish Council: Beausale, Haseley, Honiley & Wroxall **Expiry Date:** 02/05/18

Case Officer: Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

**Haseley Manor, Haseley Business Centre, Birmingham Road, Hatton,
Warwick, CV35 7LS**

Removal of Condition 12 (10% Renewables) of planning permission ref:
W/15/1704

(Conversion of Haseley Manor to 13no. apartments, demolition of Saxon House
and Rossmore House and erection of 9 no. dwellings with associated parking,
landscaping, access and tennis court). FOR Spitfire Bespoke Homes Limited

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

RECOMMENDATION

Planning Committee is recommended to grant planning permission for the
removal of condition 12.

DETAILS OF THE DEVELOPMENT

This application is made under section 73 of the Town and Country Planning Act
1990 that relates to the determination of applications to develop land without
compliance with conditions subject to which a previous planning permission was
granted, subject to the revised/new conditions meeting the requirements of 'Use
of Planning Conditions (ID: 21a Updated 06.03.2014) of the PPG.

In deciding an application under Section 73, the Local Planning Authority must
only consider the disputed condition that is the subject of the application – it is
not a complete re-consideration of the application (PPG Paragraph 031 Reference
ID: 21a-031-20140306).

On such an application the local planning authority shall consider only the
question of the conditions subject to which planning permission should be
granted, and—

(a) if they decide that planning permission should be granted subject to
conditions differing from those subject to which the previous permission was
granted, or that it should be granted unconditionally, they shall grant planning
permission accordingly, and

(b) if they decide that planning permission should be granted subject to the
same conditions as those subject to which the previous permission was granted,
they shall refuse the application.

This application is described as a variation of Condition 12 of planning permission W/15/1704 for;

"Conversion of Haseley Manor to 13 no. apartments, demolition of Saxon House and Rossmore House and erection of 9 no. dwellings with associated parking, landscaping, access and tennis court."

Condition 12 states;

*"The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling/unit and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011."*

The applicant seeks to remove the condition as the policy requirement for 10% renewables in the old local plan was not carried forward into the new local plan 2011-2029.

An earlier Section 73 application to amend the wording to reduce the requirement for energy saving measures from 10% to 8% was agreed under permission reference W/17/0896. However, as a Section 73 issues a new permission and does not supersede the existing, Officers are satisfied that this proposal is assessed against the original permission granted under ref: W/15/1704.

THE SITE AND ITS LOCATION

The application site comprises Haseley Manor, a Grade II listed building, and two adjacent buildings (Rossmore House and Saxon House). Rossmore House is a separate three storey 1970's building to the south side of the listed building which is linked at first floor level by a pedestrian bridge. Saxon House is a two storey 1970's block to the north of the listed building. The site is currently vacant, but was previously used for offices and as an acupuncture training college. The site occupies a rural setting within the Green Belt, surrounded by agricultural land.

The site is accessed off Birmingham Road (A4177) where there is an existing bell mouth directly adjacent to the original Lodge for the Manor, which is now in separate residential ownership. There is a long meandering drive leading to the Manor. This leads to large areas of car parking in front of the Manor and adjacent buildings. The car parks and other areas surrounding the buildings are

heavily landscaped and this includes a large number of mature trees. The gardens are locally listed.

The Adopted Local Plan designates the site as a Major Developed Site within the Green Belt.

PLANNING HISTORY

W/17/0896 - Application for the variation of condition 12 of planning permission no. W15/1704 to reduce the renewable energy / energy efficiency requirement from 10% to 8% - Granted 10.08.2017.

W/15/1704 and W/15/1705/LB - Conversion of Haseley Manor to 13 no. apartments, demolition of Saxon House and Rossmore House and erection of 9 no. dwellings with associated parking, landscaping, access and tennis court – PP Granted 14.12.2016 – LBC Granted 29.02.2016.

W/12/0689 - Proposed alterations to existing garage to form additional family accommodation – Granted 02.10.2012

W/12/0138 and W/12/0139/LB - Conversion of Haseley Manor House from offices (Use Class B1) to 8 apartments (Use Class C3), with external alterations to fenestration. Demolition of Saxon House, Rossmore House (College of Traditional Acupuncture), first floor link from Rossmore House to Manor House and external stairs to Manor House. Erection of 5 terraced dwellings. Erection of 1 pair of semi-detached dwellings. Erection of 2 garage/bin store/cycle store buildings. Alterations to existing parking provision – Both Granted 13.08.2012.

RELEVANT POLICIES

- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS19 - Review of the Local Plan (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR4 - Safeguarding for Transport Infrastructure (Warwick Local Plan - 2011-2029)

- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- DM2 - Assessing Viability (Warwick District Local Plan 2011-2029)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)

SUMMARY OF REPRESENTATIONS

Beausale, Haseley, Honiley & Wroxall Parish Council: Council: Object for the following reasons:

- Condition 12 of the original planning consent would have been included in order to support the protection of the environment. This has not changed.
- The Council feel that there would be a number of ways that a 10% saving could be easily achieved, with for example LED lighting or improved insulation.

Hatton Parish Council: No objection.

Public Response: 1 letter received raising general concerns about apparent ease of removing conditions and potential precedent set for removal of other important conditions.

ASSESSMENT

Principle of development

As the principle of development has been established under W/15/1704 and this permission has been implemented, there is no requirement to re-assess the principle for this proposal.

Impact of the proposed revisions

I have considered the proposal against the assessment criteria as set out within the previously approved scheme and note that the proposal would not result in any harm to the Green Belt, the living conditions of nearby dwellings, car parking and highway safety, trees, landscape, ecology or the affordable housing and Section 106 Contributions.

Energy Saving Measures and the impact on character and setting of the Listed Building

Warwick District Local Plan Policy HE1 (protection of Heritage Assets) states development will be expected to respect the setting of character and setting of designated heritage assets.

Due to the Listed Building within the site, extra care has had to be taken to prevent harm to the setting of the Listed Building. As a result, the potential for energy saving measures is already greatly reduced which has limited the ability to provide external measures such as solar panels and air source heat pumps. The earlier application to reduce the requirement from 10% to 8% was approved prior to the adoption of the new Local Plan.

In considering the request for the removal of the condition, it is important to be mindful that the condition was applied under a policy in the old local plan. The new Local Plan has now moved away from this requirement as energy saving measures are now required under Building Regulations.

On the basis of the above, taking into account the updated Policy position on energy saving measures together with limiting the impact on the character and setting of the Listed Building, I consider that it is appropriate to remove the condition from the planning permission.

Energy saving measures will still be secured through the appropriate Building Regulations.

Previously Imposed Conditions

I have considered the previously imposed conditions and am satisfied that the conditions are still relevant to the application. However, as the permission has been implemented, it is appropriate to remove the 3 year commencement condition.

The majority of existing pre-commencement conditions have been formally discharged. As such, I consider it appropriate to update these conditions to be carried out in accordance with the approved details and also updated to the current policy position. Where there is no evidence of a discharge of a pre-commencement condition, this will be carried forwards as previously imposed.

All pre-occupation or conditions in perpetuity shall be carried forwards as previously worded but subject to the up to date policy position.

Conclusion

The proposal sought to remove the energy saving measures condition attached to the original planning permission for the works. In considering the application, I have noted the move away from energy saving measures being a policy requirement within the new Local Plan and balanced this against the setting of the Listed Building. In conclusion, I am satisfied that the removal of the condition is a more practicable approach and I have recommended that the condition be removed. All remaining conditions will be carried forward and updated as necessary and renumbered to take into account the removal of Condition 12.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1788/01L, 1788/02A, 1788/03, 1788/04, 1788/05A, 1788/06, 1788/07, 1788/08, 1788/09, 1788/10C, 1788/11B, 1788/12C, 1788/13B, 1788/14C, 1788/15C, 1788/16C, 1788/17C, 1788/19, 1788/20, 1788/21, 1788/22, 1788/32C & 1788/49, and specification contained therein, submitted on 8 October 2015, 29 October 2015, 1 July 2016 & 7 November 2016. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 2 No development shall take place until detailed surface and foul water drainage schemes for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
 - a. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753
 - b. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBAR runoff rates for all return periods
 - c. Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in "Science Report SC030219 Rainfall Management for Developments"
 - d. 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 drainage 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.

e. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing

f. A foul water drainage scheme including evidence from Severn Trent Water (STW) that there is adequate capacity within their sewerage assets for this development and that STW are in agreement with the proposed foul water drainage scheme.

g. Provide a Maintenance Plan to the LPA giving details on how the entire surface water and foul water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas on site (outside of individual plot boundaries) shall be provided to the LPA.

REASON : To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies NE5 and FW2 of the Warwick District Local Plan 2011-2029.

- 3 Prior to commencement of the development hereby permitted further drawings showing the new walls to the utility, cloaks and bathrooms at not full height shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. **REASON:** To ensure an appropriate standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
- 4 All external facing materials to be used for the construction of the development hereby permitted, shall be in accordance with the details approved by the Local Planning Authority on 17.05.2017 in pursuance of planning permission W/15/1704 unless otherwise agreed in writing. **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.
- 5 All external joinery, eaves, verges and rainwater goods shall be carried out strictly in accordance with the large scale details approved by the District Planning Authority on 24 January 2018 in pursuance of planning permission W/15/1704 unless otherwise agreed in writing. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : For the avoidance of doubt, and to ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
- 6 The development hereby permitted shall be carried out strictly in accordance with the tree protection details approved in writing by the local planning authority on 12.04.2017 (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) for all tree(s) to be retained on the site, or those tree(s) whose root structure may extend within the site. 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 retained tree(s); no equipment, machinery or

structure shall be attached to or supported by any retained tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029.

- 7 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works approved in writing by the local planning authority on 24.01.2018 in pursuance of planning permission W/15/1704. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the dwellings hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON :** To 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.
- 8 No building shall be occupied until the footway has been laid out in accordance with the details approved by the Local Planning Authority on 1 December 2017 in pursuance of W/15/1704 unless otherwise agreed in writing. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan 2011-2029.
- 9 The development shall be carried out in accordance with the details of the provision of the manoeuvring space and service areas, including surfacing, swept path analysis and levels as approved in writing by the Council on 25 April 2017. No building shall be occupied until the areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of manoeuvring of vehicles. **REASON :** In the interests of highway safety, in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 10 The development and demolition hereby permitted shall not commence or continue unless a turning area has been provided within the site so

as to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear. The turning area shall be retained for the duration of construction works. **REASON :** In the interests of highway safety, in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 11 The development hereby permitted shall be carried out in accordance with the details of finished floor levels of all buildings, existing and proposed site levels on the application site and the relationship with adjacent land and buildings as approved in writing by the local planning authority on 21.04.2017 in pursuance of W/15/1704 unless otherwise agreed in writing. **REASON:** To ensure 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.
- 12 The development hereby permitted shall be carried out strictly in accordance with the detailed Landscape and Ecological Management Plan approved in writing by the Local Planning Authority on 24.01.2018 and the approved measures shall be implemented in full. **REASON :** To ensure adequate compensation for any loss of biodiversity, in accordance with the National Planning Policy Framework.
- 13 The development shall be carried out strictly in accordance with the detailed lighting scheme for the site agreed in writing by the local planning authority on 22.05.2017.

No lighting shall be installed other than in strict accordance with the scheme approved under this condition. The lighting shall be maintained and operated in strict accordance with the approved scheme at all times thereafter.

REASON: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE2, NE3 and NE5 of the Warwick District Local Plan 2011-2029.

- 14 The development hereby permitted shall be carried out strictly in accordance with the Construction and Environmental Management Plan approved in writing by the local planning authority on 25.05.2017 in pursuance of W/17/1704. The agreed Construction and Environmental Management Plan shall be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.
- 15 The development shall be carried out in accordance with the programme of archaeological works and investigations in accordance with the written scheme of investigation approved in writing by the local planning authority on 24.03.2017 in pursuance of W/15/1704.

REASON: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy HE6 of the Warwick District Local Plan 2011-2029.

- 16 All features of architectural detailing, fireplaces and doors shall be retained in situ unless shown as to be removed on the approved drawings. If any historic doors are to be removed they shall be reused elsewhere in the building in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development hereby permitted. Details will also be required of how historic doors will be upgraded to meet fire regulations (if necessary). **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
- 17 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON :** To protect 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.
- 18 The development shall not be commenced until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distances of 160.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.9 metres above the level of the public highway carriageway. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan 2011-2029.
- 19 The dwellings shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan 2011-2029.
- 20 The development and demolition hereby permitted shall not commence

or continue unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan 2011-2029.

- 21 The development hereby permitted shall not be occupied until the applicant has provided sustainability packs for each household. **REASON:** To encourage occupiers to travel sustainably in accordance with Policy DM1 of the Warwick District Plan 2011-2029.
- 22 Access for vehicles to the site from the public highway (Birmingham Road A4177) shall not be made other than at the position identified on the approved drawing, number 1788-02 Rev A, providing an access no less than 5.0 metres wide for a distance of 30.0 metres into the site, as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety, in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 23 No gates shall be erected at the entrance to the site for vehicles until full operating details, including method of access/egress, have been submitted to and approved in writing by the Council. Such gates shall be located, hung and operated in accordance with Drawing No. 1788-02 Rev A and the details approved under this condition. **REASON:** In the interests of highway safety, in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 24 None of the apartments hereby permitted shall be occupied unless and until bin and cycle stores have been constructed in strict accordance with details that shall have been submitted to and approved in writing by the local planning authority. The bin and cycle stores shall be retained at all times thereafter. **REASON :** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 25 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any dwellinghouse hereby permitted. **REASON:** That having regard to the location of the proposed dwellings within the Green Belt as well as within the curtilage of a Grade II listed building, it is important to ensure that no further development is carried out which would detract from the openness of the Green Belt or the setting of the listed building, in accordance with Policies BE1 and HE1 of the Warwick District Local Plan 2011-2029.
-