

# Planning Committee

Tuesday 11 October 2016

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A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 11 October 2016 at 6.00pm.

Councillor Cooke (Chairman)  
Councillor Ashford (Vice Chairman)  
Councillor Boad  
Councillor Mrs Bunker  
Councillor Day  
Councillor Heath  
Councillor Mrs Hill  
Councillor Morris  
Councillor Naimo  
Councillor Mrs Stevens  
Councillor Weed

## 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 13 September 2016

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**Part B – Planning Applications**

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

5. **W/16/0606 – Baginton School, Church Road, Baginton** (Pages 1 to 13)

6. **W/16/1174 – 32 Heathcote Road, Whitnash** (Pages 1 to 5)

7. **W/16/1280 – 60 Franklin Road, Whitnash** (Pages 1 to 5)

**Part C – Other matters**

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

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8:00am to 7:00pm, Friday 8:00am to 6:00pm and Saturday 9:00am to 1pm) or email [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk), anytime after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note, that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public - Have registered to address the Committee.
- (e) occasionally items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's web site, and where possible, the applicant and all registered speakers (where applicable) will be notified via telephone.

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

Telephone: 01926 456114

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

For enquiries about specific reports, please contact the Case Officer named in the reports. You can e-mail the members of the Planning Committee at

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

Details of all the Council's committees, councillors and agenda papers are available via our website [www.warwickdc.gov.uk/committees](http://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 13 September 2016 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Cooke (Chairman); Councillors Ashford, Boad, Mrs Bunker, Day, Mrs Falp, Miss Grainger, Mrs Hill, Morris, Naimo and Weed.

**Also Present:** Committee Services Officers – Mrs Dury and Miss Cox; Legal Advisor – Mr Gregory; Head of Development Services – Mrs Darke; Team Leader, Development Control – Mr Sahota; and Trainee Solicitor – Mr Wood.

## 63. **Apologies and Substitutes**

- (a) There were no apologies; and
- (b) Councillor Miss Grainger substituted for Councillor Mrs Stevens and Councillor Mrs Falp substituted for Councillor Heath.

## 64. **Declarations of Interest**

Minute Number 67 – W/16/0801 – Former North Leamington School, Cloister Way, Royal Leamington Spa

Councillor Miss Grainger declared an interest because the application site was in her Ward, and she was a member of Royal Leamington Spa Town Council's Planning Committee, however, she was not present when this item was discussed.

Minute Number 71 – W/16/1429 – 27 Newbold Street, Royal Leamington Spa

Councillor Miss Grainger declared an interest because she was a member of Royal Leamington Spa Town Council's Planning Committee, however, she was not present when this item was discussed.

Minute Number 77 – W/16/1267 – 1 Castle Hill, Kenilworth

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

Minute Number 78 – W/16/1268 LB – 1 Castle Hill, Kenilworth

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

## 65. **Site Visits**

To assist with decision making, Councillors Ashford, Boad, Mrs Bunker, Cooke, Mrs Hill, Morris and Weed visited the following application site on Saturday 10 September 2016:

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

W/16/0801 – Former North Leamington School, Cloister Way, Royal Leamington Spa.

### **66. Minutes**

The minutes of the meeting held on 16 August 2016 were taken as read and signed by the Chairman as a correct record.

### **67. W/16/0801 – Former North Leamington School, Cloister Way, Royal Leamington Spa**

The Committee considered an application from Spitfire Properties LLP for the demolition of existing buildings and the erection of 44 dwellings with associated access, landscaping and infrastructure.

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

The officer was of the opinion that a redevelopment of this site for residential purposes would be acceptable in principle and the proposals would have an acceptable impact on the living conditions of neighbouring dwellings. Furthermore, the proposals would provide a satisfactory living environment for future occupants of the proposed dwellings and would have an acceptable impact on the character and appearance of the area. Subject to verification of the viability case by the Council's surveyor, the proposals could also be accepted with no affordable housing or section 106 contributions. Finally, the development had been judged to be acceptable in terms of housing mix, provision of public open space, Green Belt impact, car parking and highway safety, impact on trees and ecological impact. Therefore, it was recommended that planning permission be granted.

An addendum circulated at the meeting advised that:

- following advice received from the Council's independent surveyor, the applicant had amended the scheme to show the provision of three shared ownership flats and two social rented houses;
- Environmental Health had not raised any objection to the scheme subject to conditions on contamination, construction impacts, air quality and noise insulation;
- two further residents had submitted comments in support of the application;
- an additional condition had been added to prohibit occupation of any of the flats before the construction of the bin and cycle stores; and
- some of the "pre-commencement" conditions had been changed to "pre-occupation" conditions.

Councillors Mrs Stevens and Gifford addressed the Committee in support of the application. Councillor Mrs Stevens informed the Committee that whilst the Charity behind the application had been her selected charity when she was Mayor, she had not had any involvement with this application.

Members were disappointed that the proposals could not meet the 40% affordable housing target, but were very aware that the site in its current

## PLANNING COMMITTEE MINUTES (Continued)

state was a safety risk, especially for children who persisted in using the site for play. Members accepted that there was a viability issue and that five units of social housing was now offered as part of the application; and they sought assurance that all efforts would be pursued to ensure these units were delivered. They felt that officers had done an excellent job in negotiating the terms of the application, especially in light of the difficulties presented with the removal of toxic materials such as asbestos.

Following advice received from the Council's Legal Advisor, Members asked that a note to officers be added advising that the Committee had requested that any application for a variation in the affordable housing content be referred back to Planning Committee. Members accepted that this could only be a request, and was not a given.

Members felt that the insistence of slate tiles on the roof was perhaps a little excessive and officers assured them that the overarching condition about approval of materials would ensure that this was reasonably applied.

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

The Committee therefore

**Resolved** that W/16/0801 be **granted** in accordance with the recommendations in the report, subject to the following conditions and note to officers:

- (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 application form, site location plan and approved drawing(s) 1849-01 P17, 1849-02 P7, 1849-03 P7, 1849-04 P8, 1849-05 P7, 1849-06 P9, 1849-07 P9, 1849-08 P8, 1849-09 P8, 1849-10 P8, 1849-11 P9, 1849-12 P7, 1849-13 P7, 1849-14 P7, 1849-15 P6, 1849-16 P8, 1849-17 P8, 1849-19 P6, 1849-21 P7, 1849-22 P1, 1849-23C, 1849-24C, 1849-30E & 1849-35A, and specification contained therein, submitted on 11 August 2016 and 24 August 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development shall be carried out only in

## PLANNING COMMITTEE MINUTES (Continued)

full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

- (4) no development shall commence until a detailed lighting scheme for the site has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

- (a) low energy LED lighting should be used in preference to high pressure sodium or mercury lamps;
- (b) the brightness of lights should be as low as legally possible;
- (c) lighting should be timed to provide some dark periods; and
- (d) connections to areas important for foraging should contain unlit stretches.

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 DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011;

- (5) 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

## PLANNING COMMITTEE MINUTES (Continued)

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 DP1 & DP2 of the Warwick District Local Plan 1996-2011;

- (6) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which shall have 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; 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; measures to limit noise and disturbance; a construction phasing plan; and a HGV routing plan. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;
- (7) prior to the occupation of the development hereby permitted until a scheme detailing the laying out and future management of the public open space within the site has been submitted to and approved in writing by the local planning authority. The public open space shall be laid out and maintained in accordance with the approved scheme. The scheme shall include:
- (a) arrangements for the future management and maintenance of the public open space; and
  - (b) details of how public access will be provided to the public open space in



## PLANNING COMMITTEE MINUTES (Continued)

perpetuity.

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

- (8) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. 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;
- (9) prior to the commencement of development a scheme for the offsetting of biodiversity impacts at the site shall be submitted to the Local Planning Authority. The offsetting scheme shall include:
1. The identification of receptor site(s);
  2. Details of the offset requirements of the development in accordance with the recognised offsetting metrics standard;
  3. The provision of contractual terms to secure the delivery of the offsetting measures; and
  4. A management and monitoring plan (to include for the provision and maintenance of such offsetting measures for not less than 30 years from the date of this permission).

The development shall not commence until the Local Planning Authority has approved the scheme in writing. The applicant shall secure and implement such offsetting measures in accordance with the requirements of the approved scheme. **Reason:** To ensure no net

## PLANNING COMMITTEE MINUTES (Continued)

loss of biodiversity in accordance with NPPF paragraph 118, principles and guidance documents;

- (10) no development shall commence until details of surface and foul water drainage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with such approved details. **Reason:** To ensure that adequate drainage facilities are available and to minimise flood risk, in accordance with the National Planning Policy Framework and Policy DP11 of the Warwick District Local Plan 1996-2011;
- (11) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **Reason:** In the interests of fire safety;
- (12) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the 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 management, such as water bodies, native species planting, wildflower grasslands, woodland creation/enhancement and provision of habitat for protected species. Such approved measures shall thereafter 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 hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the local planning authority expect to see details concerning pre-commencement

## PLANNING COMMITTEE MINUTES (Continued)

checks for protected and notable species with subsequent mitigation 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 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 Policy DAP3 of the Warwick District Local Plan;

- (14) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) to be retained on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any 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 DP3 of the Warwick District Local Plan 1996-2011;

- (15) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or

## PLANNING COMMITTEE MINUTES (Continued)

shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

- (16) notwithstanding the landscaping details submitted with the application, the development hereby permitted shall only be undertaken in strict accordance with revised details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for
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## PLANNING COMMITTEE MINUTES (Continued)

General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

- (17) the development hereby permitted shall not be occupied until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The approved Low Emission Strategy shall be implemented in strict accordance with the approved details and shall remain in force at all times thereafter.

**Reason:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012;

- (18) the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;

- (19) 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 gate, fence, wall or other means of enclosure shall be erected, constructed or improved or altered within 5 metres of the western / north-western boundary of the site, except as shown on the plans hereby approved. **Reason:** To ensure that a suitable soft edge is provided to the adjacent Green Belt, in accordance with Policy DP3 of the Warwick District Local Plan and the NPPF;

- (20) prior to the occupation of the development hereby permitted, the first floor window in the south-west elevation of plot 1 shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the

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

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 window 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 DP2 of the Warwick District Local Plan 1996-2011;

- (21) conditions on contamination, construction impacts, air quality and noise insulation; and
- (22) condition to prohibit occupation of any flats before the construction of the bin and cycle stores.

Note to officers:

The Planning Committee has requested that any future application for a variation in the affordable housing content is referred back to Planning Committee.

### **68. W/16/0715 – 32B Kenilworth Road, Royal Leamington Spa**

The Committee considered an application from Mr Dhaliwal for the erection of a two storey side extension and front and rear dormers.

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

The officer was of the opinion that the application was considered to be of acceptable design and would preserve the character of the Conservation Area, neighbouring and applicant amenity and standards of living, with little views from the street scene. It struck a consistent balance between the previous issues raised in refusals and appeals and addressed within subsequent approvals, between the Conservation Area, parking and landscaping, and took account of sustainability and ecology considerations also.

Mrs Reuser addressed the Committee in objection to the application.

A motion to grant the application was defeated.

Following consideration of the report, presentation, and the representation made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Ashford that the application should be refused on the grounds that it was contrary to Policy DAP8, of the Warwick District Local Plan 1996-2011.

The Committee therefore

## PLANNING COMMITTEE MINUTES (Continued)

**Resolved** that W/16/0715 be **refused** contrary to the recommendations in the report because it contravenes Policy DAP8 of the Warwick District Local Plan 1996-2011 in a Conservation Area.

### 69. **W/16/1099 – Land adjacent Fir Tree Cottage, 147 Chesetts Wood Road, Lapworth**

The Committee considered an application from HCD Developments Limited for the erection of two dwellings. This was a resubmission of application reference W/15/1890 – amended house design.

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

The officer was of the opinion that the application was considered to be acceptable and would thereby accord with the requirements set out in the Local Plan Policies stated in the report.

The following people addressed the Committee:

- Mr Clarke and Dr Hamilton, who objected to the application; and
- Mr Tyler, in support of the application.

Members felt that a construction management plan should be a condition if the application was granted to ensure that construction vehicles were not blocking the road, together with conditions 3 and 4 from a previous application on the site.

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

The Committee therefore

**Resolved** that W/16/1099 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing numbers 01(cad9); 02(cad9) and 03(cad9) and specification contained therein, submitted on 16 June 2016  
**Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the  
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## PLANNING COMMITTEE MINUTES (Continued)

Warwick District Local Plan 1996-2011;

- (3) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works showing the location of yard gullies, manholes soakaways, and pipes including shape, material, pipe falls in relation to the proposed building. The plans shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;
- (4) no part of the development hereby permitted shall be commenced until a detailed method statement, including timetabled mitigation measures where appropriate, has been carried out by a suitably qualified consultant to cover reptiles, amphibians and hedgehogs has been submitted to and approved in writing to the local planning authority. Any approved mitigation measures shall be implemented in accordance with the approved timetable. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;
- (5) the development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (6) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning  
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## PLANNING COMMITTEE MINUTES (Continued)

Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

- (7) the existing embankment together with the vegetation growing on the embankment (namely an ancient hazel hedgerow) located on the shared boundary with No.135 Chessetts Wood Road to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those landscape features which are of significant amenity value and structural 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 DP1 and DP3 of the Warwick District Local Plan 1996-2011;
- (8) access for vehicles to the site from the public highway, Chessetts Wood Road shall not be made other than at the position identified on the approved drawing number 17291-01, dated July 2015 at a position whereby the visibility splay requirements stated in condition 11 will be satisfied. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

## PLANNING COMMITTEE MINUTES (Continued)

- (9) 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 76.0 metres in a north westerly direction and 55.0 m in a south easterly direction to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

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

- (10) before the access is first used a turning facility within the site enabling vehicles to enter and leave in a forward gear, shall be provided in accordance with the approved drawings. At all times thereafter the turning facility shall be kept free of obstruction and available for its intended use, and nothing in the visibility splay shall exceed 600mm in height, unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (11) the gradient of the access for vehicles to the site shall not be steeper than 1 in 15 at any point as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (12) the development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. The Local Planning Authority expects lighting to be restricted on the south west edge of the proposed decking area and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways: low pressure sodium lamps or low-brightness LEDs

## PLANNING COMMITTEE MINUTES (Continued)

should be used in preference to high pressure sodium or mercury lamps, or high-brightness LEDs; the brightness of lights should be as low as legally possible; lighting in the blue spectrum should be avoided; lighting should be timed to provide some dark periods; connections to areas important for foraging should contain unlit stretches. **Reason:** To ensure that the visual amenities of the open countryside and the wildlife site are preserved in accordance with Policies DP2 & DA3 of the Warwick District Local Plan 1996-2011;

(13) Conditions 3 and 4 from a previous application on the site; and

(14) a standard construction management condition.

### 70. **W/16/1321 – Land adjacent Crossways, Rowington Green, Rowington**

The Committee considered an application from ERC (Solihull) Limited for the proposed erection of two dwellings.

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

The officer was of the opinion that the development was considered to harmonise with the existing street scene, whilst providing an innovative and contemporary design. The proposed development was not considered to cause undue harm to the living conditions of the occupiers of the nearby dwellings and there were no highway safety issues. The proposal was therefore considered to comply with the policies listed in the report.

The following people addressed the Committee:

- Councillor Gaffey, representing Rowington Parish Council in objection to the application; and
- Mr Spicer, in support of the application.

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

The Committee therefore

**Resolved** that W/16/1321 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section  
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## PLANNING COMMITTEE MINUTES (Continued)

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 AR\_321\_001\_C submitted on 24th August 2016 and AR\_321\_002\_D submitted on 31st August 2016, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority.

If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone ( whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

**Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve

## PLANNING COMMITTEE MINUTES (Continued)

carbon savings and to protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP13; DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (4) prior to the first occupation of the dwellings details of bird boxes/artificial nests and bat boxes including their number, location and height from ground shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the first occupation of the dwelling house: **Reason:** To enhance the value of the site for biodiversity in accordance with the aims of the NPPF;
- (5) the development hereby permitted shall not commence until a qualified ecologist has been appointed by the applicant to inspect the habitat suitable for nesting birds, hedgehogs, amphibians & reptiles immediately prior to works. Suitable habitat features, such as compost heaps and log piles, are to be removed carefully by hand. If evidence of these species are found works may not proceed otherwise than in accordance with the advice of the qualified ecologist on the most appropriate approach. The qualified ecologist shall submit a brief report to the local planning authority within one month following completion of the supervised works to summarise the findings. **Reason:** To ensure that protected and notable species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF;
- (6) the development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (7) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in

## PLANNING COMMITTEE MINUTES (Continued)

writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

- (8) the works hereby permitted shall be carried out only in strict accordance with the submitted Arboricultural Report and Tree Survey carried out by Ruskins Group Consultancy T/a RG Consultancy Limited and submitted to the Local Authority on 11th July 2016. **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 DP1 & DP3 of the Warwick District Local Plan 1996-2011;
- (9) the development shall not be commenced until an access for vehicles has been provided to the site not less than 5.0 metres in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway.

## PLANNING COMMITTEE MINUTES (Continued)

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

- (10) 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 a distance of 7.5 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority.

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

- (11) the access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (12) the access to the site for vehicles shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (13) the development shall not be commenced until a turning area has been provided within the site so as to enable vehicles to leave and re-enter the public highway in a forward gear, and thereafter the turning area shall be retained at all times. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011; and

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

approved details unless alternative drainage methods have been approved in writing by the local planning authority. **Reason:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which Promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.

71. **W/16/1429 – 27 Newbold Street, Royal Leamington Spa**

This application was withdrawn at the request of the applicants.

72. **TPO 511 – 7 Chance Fields, Radford Semele**

The Committee considered an application for the confirmation of a provisional Tree Preservation Order (TPO) relating to two Scots Pine trees.

The application was presented to Committee because objections against the TPO being confirmed had been received.

The officer was of the opinion that the issues raised in objection to the TPO were not sufficient to outweigh the significant amenity contribution which the trees made within the surrounding area and it was therefore recommended that the order should be confirmed.

Mrs Darlington addressed the Committee in objection to the proposal.

Members clarified that tree works could be carried out if a TPO was present; some type of works required permission, but others, such as in an urgent situation, did not.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Miss Grainger that TPO 511 should be confirmed.

The Committee therefore

**Resolved** that officers be authorised to confirm TPO 511 without modification.

The meeting was adjourned at 7.55pm for a 15 minute break.

73. **W/16/0837 – Aylesbury Cottage, 156-158 Aylesbury Road, Hockley Heath, Solihull**

The Committee considered an application from Mr Eden for the erection of a detached dwelling.

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



## PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that the development was acceptable in principle and respected surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents or highway safety. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report and presentation, it was proposed by Councillor Miss Grainger and seconded by Councillor Mrs Falp that the application should be granted.

The Committee therefore

**Resolved** that W/16/0837 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 01, 03 and specification contained therein, submitted on 06/05/16. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the Local 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

## PLANNING COMMITTEE MINUTES (Continued)

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 Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features during site construction in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (5) the development hereby permitted shall be carried out in strict accordance with details of surface water drainage works that shall have been submitted to and approved in writing by the local planning authority. Details shall include sustainable urban drainage methods to avoid localised flooding from the highway onto the lower application site. **Reason:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011;
- (6) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (7) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air

## PLANNING COMMITTEE MINUTES (Continued)

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

- (8) the development shall not be occupied unless and until the existing vehicular access to the site has been widened/remodelled so as to provide an access of not less than 3 metres for a minimum distance of 7.5 metres, as measured from the near edge of the public highway carriageway and surfaced with a bound material and 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 120 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **Reason:** To ensure that a satisfactory visibility splays in the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (9) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the first floor ensuite window(s) to be formed in the side facing elevation hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **Reason:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

## PLANNING COMMITTEE MINUTES (Continued)

2011;

- (10) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those 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 DP1 and DP3 of the Warwick District Local Plan 1996-2011; and
- (11) the development hereby permitted shall only be undertaken in strict accordance with an ecological and landscape scheme which has been submitted to and approved in writing by the local planning authority. That scheme shall include full details of all proposed landscaping and associated ecological works including details of any proposed native tree and other planting, installation of bird and bat boxes and/or creation of wild flower areas. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation of the development hereby approved and all other works shall be completed in full accordance with the approved details within three months of the first occupation of that development. Any tree(s) or shrub(s) which within a period of five years from the completion of the development die, are removed or become in the opinion of the local planning authority seriously damaged, defective or diseased, shall be replaced in the next planting season with another similar tree or shrub of similar size and species, unless the

## PLANNING COMMITTEE MINUTES (Continued)

local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure that an appropriate level of ecological interest is retained within the site and the satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with the National Planning Policy Framework and Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

### 74. **W/16/0842 – 16 Wasperton, Wasperton**

The Committee considered an application from Mr and Mrs Alford for a proposed two storey rear and side extension.

The application was presented to Committee because an objection had been received from Barford, Sherbourne and Wasperton Joint Parish Council.

The officer was of the opinion that the proposed development was considered to be acceptable in design terms, did not result in harm to the character of the Conservation Area or impact upon the amenities of adjacent residential properties to a degree sufficient to justify the refusal of planning permission and it was therefore recommended that planning permission should be granted.

An addendum circulated at the meeting outlined comments received from the Conservation Advisory Forum which recommended that the successful extensions on the neighbouring property, with which this building had symmetry, should be copied, albeit at a reduced scale, because it was a narrower plot.

It had been pointed out that the address was 16 Wasperton, not Wasperton Lane as stated on the agenda.

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

The Committee therefore

**Resolved** that W/16/0842 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

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

## PLANNING COMMITTEE MINUTES (Continued)

(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 2016-1535-10 submitted on 6th May 2016 and 2016-1535-11A submitted on 25th August 2016, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority.

If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

**Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings and to protect the amenities of  
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## **PLANNING COMMITTEE MINUTES (Continued)**

the occupiers of nearby properties in the locality in accordance with Policies DP13; DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (4) the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building to be affected. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To ensure that protected species are not harmed by the development; and
- (5) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

### **75. W/16/1061 – Harvest Barn, Bakers Lane, Knowle**

The Committee considered an application from Mrs Payne for the proposed erection of a single storey rear extension.

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

The officer was of the opinion that the proposed extension was considered to be a modest form of development which would not harm the character and integrity of the barn conversion, for which there was evidence that it had already been significantly reconstructed. The proposed development would be constructed from appropriate materials which respected the application property and there would be no harm to neighbouring residential amenity or the openness of the Green Belt as a result of the

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

proposed development. It was, therefore, recommended that planning permission should be granted.

Following consideration of the report and presentation, it was proposed by Councillor Morris and seconded by Councillor Boad that the application should be granted.

The Committee therefore

**Resolved** that W/16/1061 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawing 160308 / 1D, and specification contained therein, submitted on 4th August 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (4) all window and door frames shall be constructed in timber. **Reason:** To ensure a high standard of design and appearance for this barn conversion, and to satisfy Policies DP1 and RAP7 Warwick District Local Plan 1996-2011.

### **76. W/16/1071 – 103 Chessetts Wood Road, Lapworth**

The Committee considered an application from Mr and Mrs Champion for the erection of a single storey rear/side extension. This was a resubmission of application reference W/16/0503.

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



## PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that the proposed extension was in accordance with policies, and was therefore in accordance with the NPPF and the Warwick District Local Plan 1996 - 2011 such that it was considered that planning permission should be granted.

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

The Committee therefore

**Resolved** that W/16/1071 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) CRS\_PD/01 Rev B, , and specification contained therein, submitted on 10th June 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (4) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and

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

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.

### **77. W/16/1267 – 1 Castle Hill, Kenilworth**

The Committee considered an application from Turlington (International) Limited for the proposed conversion of the existing dwelling to two, one-bedroom apartments and one, two-bedroomed apartment.

The application was presented to Committee because it was deemed appropriate in view of the level of public interest in the proposal.

The officer was of the opinion that the public benefits created by providing two additional residential units, securing the future of a designated heritage asset and improving the appearance of the Conservation Area would outweigh the harm caused to the integrity of the listed building as a result of the proposed sub-division of the single dwelling house into three apartments. There would be no detrimental impact caused to neighbouring residential amenity or highway safety as a result of the proposed development and, therefore, the development was considered to conform with Local Plan policies and the NPPF.

An addendum circulated at the meeting stated that the implementation of a condition requiring provision of a scheme for renewable or sustainable energy measures was not appropriate on this occasion. As there would be no increase in internal heated floor space as a result of the proposal and there would not be a substantial intensification of the site, it was not considered necessary to impose Condition 3. This was added in error by officers.

Members were concerned that there might be a future application to sub-divide the garden. Currently sub-division of the garden could not happen without planning permission and officers were confident that local residents would report attempts to sub-divide the garden. However, because the garden was listed, Members felt it important that it was maintained in its listed status. They therefore authorised officers to review Condition 5 to see if it could be strengthened to prevent any sub-division of the garden.

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

The Committee therefore

**Resolved** that W/16/1267 be **granted** in accordance with the recommendations in the report, subject to: addendum to remove Condition 3, and authority

## PLANNING COMMITTEE MINUTES (Continued)

delegated to officers to review the wording of Condition 5 and strengthen it to stop sub-division of the garden, subject to the following conditions:

- (1) The removal of Condition 3 in the report as per the addendum; and
- (2) Authority being delegated to officers to review the wording of condition 5 of the report and strengthen it to stop sub-division of the garden.
- (3) The following conditions:
  - (a) 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);
  - (b) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawings 1411-P-04\_A, 1411-P-05\_A and 1411-P-06\_A ,and specification contained therein, submitted on 26th August 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
  - (c) no development shall be carried out on the site which is the subject of this permission, until large scale details of the proposed additional internal doors and their openings and additional staircases to the second floor at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.  
**Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;
  - (d) authority delegated to officers to review the wording of this condition to see if it can be strengthened:  
there shall be no sub-division of the gardens outlined in red on the updated Location Plan submitted to the Local Authority on 2nd August 2016. **Reason:** To ensure the protection of the

## PLANNING COMMITTEE MINUTES (Continued)

integrity and setting of the Listed Building and for the protection of the garden which is identified on the locally important park and garden list, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011; and

- (e) the development shall not be commenced until a turning area has been provided within the site so as to enable vehicles to leave and re-enter the public highway in a forward gear, and thereafter the turning area shall be retained at all times. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

### 78. **W/16/1268 LB – 1 Castle Hill, Kenilworth**

The Committee considered an application from Turlington (International) Limited for the proposed conversion of the existing dwelling to two, one-bedroom apartments and one, two-bedroomed apartment.

The application was presented to Committee because it was deemed appropriate in view of the level of public interest in the proposal.

The officer was of the opinion that the public benefits created by providing two additional residential units, securing the future of a designated heritage asset and improving the appearance of the Conservation Area would outweigh the harm caused to the integrity of the listed building as a result of the proposed sub-division of the single dwelling house into three apartments. There would be no detrimental impact caused to neighbouring residential amenity or highway safety as a result of the proposed development and therefore, the development was considered to be in conformity Local Plan policies and the NPPF.

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

The Committee therefore

**Resolved** that W/16/1268 LB be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the works hereby permitted shall begin not later than three years from the date of this consent. **Reason:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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
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## **PLANNING COMMITTEE MINUTES (Continued)**

approved amended drawings 1411-P-04\_A, 1411-P-05\_A and 1411-P-06\_A ,and specification contained therein, submitted on 26th August 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of the proposed additional internal doors and their openings and additional staircases to the second floor at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.

**Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011; and

- (4) there shall be no sub-division of the gardens outlined in red on the updated Location Plan submitted to the Local Authority on 2nd August 2016. **Reason:** To ensure the protection of the integrity and setting of the Listed Building and for the protection of the garden which is identified on the locally important park and garden list, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

### **79. Planning Appeals Report**

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

**Resolved** that the report be noted.

(The meeting ended at 8.48pm)

**Planning Committee:** 11 October 2016

**Item Number:** **5**

**Application No:** [W/16/0606](#)

**Town/Parish Council:** Baginton  
**Case Officer:** Helena Obremski  
01926 456531 Helena.Obremski@warwickdc.gov.uk

**Registration Date:** 13/05/16  
**Expiry Date:** 08/07/16

**Baginton School, Church Road, Baginton, Coventry, CV8 3AR**  
Demolition of existing former school building and erection of 2no. dwellings. FOR  
The Lucy Price Trust (LPT)

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

### **RECOMMENDATION**

Planning Committee are recommended to refuse planning permission.

### **DETAILS OF THE DEVELOPMENT**

The applicant seeks full planning permission for the demolition of Baginton School and erection of 2no. two storey, three bedroom detached dwellings. Two off street parking spaces are provided to the front of each property which front Church Road.

### **THE SITE AND ITS LOCATION**

The application site is positioned to the north of Church Lane and is located within the Green Belt and Conservation Area. The site currently accommodates a single storey former school building which fronts directly onto the pavement serving Church Lane. To the sides and rear of the school building, there is hard landscaping providing car parking. To the rear of the site, the land level steps up and provides a small grassy area, with some overgrown vegetation and a high level boundary treatment to the north of the site.

To the west of the site lies St. John the Baptiste Church, a Grade I listed building dating from the thirteenth century. To the east and south of the site, there are a number of residential dwellings, some of which are Grade II listed buildings and primarily front onto Church Lane.

### **PLANNING HISTORY**

There is no relevant planning history relating to this site.

### **RELEVANT POLICIES**

- National Planning Policy Framework

- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS8 - Protecting Community Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- The 45 Degree Guideline (Supplementary Planning Guidance)

- Distance Separation (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

## **SUMMARY OF REPRESENTATIONS**

**Baginton Parish Council:** Support application but, comment that an existing right of way should be maintained for nearby residential properties, which should be made reference to if permission is granted to protect the interests of the adjoining properties.

**Historic England:** General Observations: the existing building is apparently on the site of an earlier school building with a similar footprint, in that it backs onto the pavement, in common with residential properties on the street. For any new development to accord with the character of the area it should be located on the back of the pavement, and preferably be one structure rather than a pair of detached houses which would also be in keeping with the adjoining properties. Parking should be located to the rear which would also preserve the character and not markedly change the setting of the Grade I parish church if carefully designed.

**WCC Ecology:** Requires provision of an initial bat survey and Preliminary Ecological Appraisal prior to determination of the application.

**WCC Landscape Team:** Objection, the setting of the cottages needs further consideration. The principle of setting back the cottages so that views of the church can be obtained is acceptable; however, the current arrangement of parking at the front of the properties is not in keeping with the existing character of the Conservation Area. A detailed hard and soft landscape plan should be included in the application.

**WCC Archaeology:** No objection, subject to the inclusion of conditions requiring the provision of a programme of archaeological works and archaeological mitigation strategy.

**WCC Highways:** No objection.

**Green Space Team:** No objection, requests contribution of £3,768 to be put towards the development of nearby destination parks.

### **Public Responses:**

**4 Letters of Support:** comments focus on support of the removal of the existing building which is considered to be detrimental to the Conservation Area. The proposed dwellings should complement the Conservation Area and parking provision must be provided. The development would be an enhancement and provide housing.

**2 Letters of Objections:** concern focuses on the demolition of a building with historical importance. The proposed dwellings are inappropriate and would spoil



the views of the church. The building should be converted rather than demolished, preserving the original line of the buildings on the road.

**Neutral Response:** supportive of the removal of the existing building, however, the style of the properties is out of keeping with Church Road and should reflect the existing character of the Conservation Area. The dwellings should be positioned closer to the road and replicate the existing features within the street scene.

## **ASSESSMENT**

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

- Principle of the Development
- Loss of a Community Facility
- Impact on the Green Belt
- The Impact on the Character and Appearance of the Area
- The Impact on the living conditions of nearby dwellings
- The Impact on Landscape and Heritage Assets
- Open Space
- Archaeology
- Car Parking and Highways Safety
- Drainage and Flood Risk
- Sustainable Energy
- Ecological Impact
- Health and Wellbeing
- Other Matters

### Principle of the Development

The relevant Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. The proposals would be contrary to Policy RAP1 as the site is not located within a Limited Growth Village as identified within the policy. However, the National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement.

Whilst significant steps have been made towards meeting a five year housing land supply an analysis of all current information indicates that the District Council are not able to demonstrate a five year supply of deliverable housing sites.

Accordingly Policy RAP1 is to be considered out-of-date and in these circumstances the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 14). However, footnote 9 lists exemptions to this, with Green Belt land being excluded. The Framework explains that there are three dimensions to the concept of sustainable development: economic, social and environmental.

The scheme will contribute 2 additional houses which will make a very small contribution towards helping the Council meet its five year requirement and

granting permission for this site would increase the supply of land for housing. This carries some weight in the assessment of this application. While the Council has no control over whether a site will be delivered, it is nevertheless reasonable to assume that a site with planning permission would be deliverable with a realistic prospect that development on this site would be achievable within a five year period.

Therefore the main assessment of this application is, whether, in the absence of a five year supply of housing, any adverse impacts of the proposed development, having particular regard to the effect upon: the Green Belt, the character and appearance of the area, including the impact on the Conservation Area and setting of the Listed Buildings, would significantly and demonstrably outweigh the benefits of the scheme.

### Loss of a Community Facility

Adopted Local Plan policy SC8 states that the redevelopment or change of use of community facilities that serve local needs will not be permitted unless: there are other similar facilities accessible to the local community by means other than a car; the facility is redundant and no other user is willing to acquire and manage it; or there is an assessment demonstrating a lack of need for the facility within the local community.

There are no other schools within walking distance of the site. Whilst public comments state that the facility is redundant, there has been no formal evidence submitted by the agent to indicate this, or that any other users are not willing to acquire the site. Furthermore, there has been no information provided by the agent demonstrating a lack of need for the facility within the local community.

Therefore, the loss of this community facility is not acceptable in principle and the proposal is considered to be contrary to Local Plan policy SC8.

### Impact on the Green Belt

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. It sets out that there is an objection in principle to inappropriate development within the Green Belt and determines that exceptions to inappropriate development in the Green Belt includes the partial or complete redevelopment of a previously developed site, so long as it does not have a greater impact on the openness of the Green Belt.

Therefore, as the site is considered to be brownfield, redeveloping the site would be acceptable and would not be harmful to the Green Belt, so long as it does not have a greater impact on openness. In this case, the proposed dwellings are considerably larger than the existing single storey structure. The existing structure has a gross floor space of approx. 173 metres square, whereas the two storey dwellings would provide a combined floorspace of 326 metres square.

Whilst the site is previously developed land, the proposed dwellings would be considerably larger, providing 2no. separate two storey structures, rather than one single storey building, nearly doubling the floorspace of the existing school,

which would have a greater impact on the openness of the Green Belt. Therefore, the proposed development is considered to be contrary to the NPPF.

### The Impact on the Character and Appearance of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 1996 - 2011 policy DP1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

The proposed dwellings will be positioned further from the pavement to provide parking in front of the dwellings. The existing structure and majority of other dwellings within the street scene are positioned adjacent to the pavement or highway, therefore the siting of the dwellings is not considered to harmonise with the existing street scene.

It is acknowledged that the design of the dwellings has mirrored some of the traditional features found within the street scene, however, the proposal would still be a significant departure from the existing single storey structure, providing two buildings rather than one. The development is not considered to respect the character of the wider street scene and is considered to detrimentally impact on the wider area by reason of their siting and number. Therefore, the proposed development is considered to be contrary to the NPPF, Local Plan policy DP1 and the Residential Design Guide.

### The Impact on Landscape and Heritage Assets

Warwick District Council adopted Local Plan policy DAP8 requires development to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. It goes on to state that development should respect the setting of Conservation Areas and should not impact on important views or groups of buildings from inside and outside of the boundary. The policy requires that new development within the Conservation Area should make a positive contribution to the local character and distinctiveness of the Conservation Area. Adopted Local Plan policy DAP9 relating to unlisted buildings in Conservation Areas reiterates this by stipulating that alterations and extensions should be refused where they adversely affect the character, appearance or setting of a Conservation Area. Adopted Local Plan policy DAP4 reinforces the NPPF by stipulating that works must not adversely affect the listed buildings special architectural or historic interest, integrity or setting.

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.

Officers and Historic England have shown concern regarding the positioning of the properties and the impact which the proposed development would have on the Conservation Area. Any new development to accord with the character of the area should be located on the back of the pavement, and preferably be as one structure rather than a pair of detached houses which would be in keeping with the adjoining properties. Furthermore, parking should be located to the rear which would preserve the character and not markedly change the setting of the Grade I parish church if carefully designed.

There have been public objections to the development stating that they object to the demolition of a building which has historical importance and that the proposed modern dwellings are inappropriate and would have a detrimental impact on views of the church. They suggest conversion of the existing building would be more appropriate.

However, there has also been public support for the proposal, supporting the removal of the existing school building as they consider it to have a detrimental impact on the Conservation Area due to the fact that it is dilapidated.

The removal of the existing structure is not considered to cause harm to the Conservation Area; the building is not considered to be of significant architectural merit which would warrant its retention and it is not considered to enhance the Conservation Area. However, the proposed dwellings are considered to cause harm to the Conservation Area and setting of the Grade I listed church to the west of the site. The dwellings are not considered to respect the established character of this part of the Conservation Area, where dwellings are traditionally positioned against the highway. Furthermore, the Council supports Historic England's comments that the proposed development should only be one structure, in order to respect the existing character found within the street scene.

The parking provided to the front of the property dominates the front aspect and is uncharacteristic within this part of the Conservation Area. It is considered that this also has a detrimental impact on setting of the Grade I listed church to the west of the site.

Whilst the development would provide two new dwellings, it is not considered that the public benefits which this would bring, when considering the impact

which these properties would have on the openness of the Green Belt and its rural setting, would outweigh the harm caused to the Conservation Area and setting of the adjacent listed building. The development is therefore considered to be contrary to the NPPF, Local Plan policies DAP8 and DAP4.

### Open Space

The Open Space Team have requested a total contribution £3,768 to be put towards the development of nearby destination parks. However, paragraph 31 of the NPPF provides that tariff style contributions should not be sought from developments of 10-units or less which is a material consideration and carries significant weight. Departure from the NPPF should only be considered if exceptional circumstances are present and it is considered that the current circumstances would not represent justification to depart from policy contained within the NPPF. It would therefore not be reasonable to impose a condition for the requirement of open space contributions in accordance with the NPPF.

### Archaeology

The proposed development lies within an area of significant archaeological potential, within the probable extent of the medieval settlement at Baginton (Warwickshire Sites and Monuments Record MWA 9492). There is therefore a potential for archaeological deposits, including structural remains, boundary features and rubbish pits, associated with the occupation of this area during the medieval and post-medieval periods to be disturbed by the proposed development. WCC Archaeology has therefore requested conditions requiring the provision of a scheme of archaeological works and an archaeological mitigation strategy, which are considered to be acceptable.

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

Warwick District Local Plan policy DP2 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy DP2, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

The Glebe Barn is positioned opposite to the application site. This is a two storey dwelling and the minimum distance separation required for the proposed development would usually be 22 metres. The proposed dwellings are positioned 16.5 metres away from this neighbour. Whilst this does not meet the Council's minimum distance separation requirement, the guidance does state that within Conservation Areas, where the overriding need is to preserve or enhance the appearance of the area, the provisions of the guidance will not need to be directly applied. Therefore, in this instance it is considered that the requirement to apply this guidance is not needed. It is not considered that the proposed

dwellings would have a material harm to the living conditions of the occupiers of Glebe Barn which would warrant reason for refusal.

The Old School House is positioned to the east of the application site and sits further forward than the proposed dwellings. There would be no loss of light or outlook as a result of the proposed development as it would be at least 8.5 metres from the proposed development at its closest point. Furthermore there are no first floor side facing windows which would overlook this neighbour. For these reason it is not considered that there would be material harm caused to the living conditions of the occupiers of Old School House which would warrant reason for refusal of the application.

The proposal is therefore considered to comply with Local Plan policy DP2 and the Residential Design Guide.

#### Car Parking and Highways Safety

The proposal provides two off street car parking spaces for each dwelling which meets the Council's adopted Vehicle Parking Standards. WCC Highways have no objection to the development and comment that the visibility that could be achieved at these locations would be sub-standard. However they recognise that the removal of the existing building would provide greater visibility than can be achieved from the vehicular accesses at present. The vehicular access for the adjacent residential property has similar or lower levels of visibility than the proposed vehicular accesses. With these matters considered, the Highway Authority did not consider that the proposal would be likely to cause severe detriment to highway safety.

#### Drainage

There has been no information provided in relation to landscaping other than that shown on the block plan which makes reference to soft landscaping only. A condition could be applied to the application for the provision of a soft and hard landscaping scheme prior to commencement of works to ensure that sustainable drainage systems are provided, which was also requested by WCC Landscape Team.

#### Sustainable Energy

Due to the scale of the proposed development it is considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables or a 10% reduction in CO<sup>2</sup> production through a fabric first approach would be appropriate. The agent has provided details to show that an air source heat pump will be used to provide renewable energy for the properties, however, further information is required in order to ensure that the minimum level of energy will be provided. This information could be secured by condition.

#### Ecological Impact

WCC Ecology have assessed the application and have requested the provision of an initial bat survey and Preliminary Ecological Appraisal prior to determination of the application. The agent provided further details in reference to the potential of the existing building for bats. However, the County Ecologist has

confirmed that the building has potential for roosting bats given gap at missing felt, open window, gap in the false ceiling which apparently leads to a void and the known bat records and the location of the site adjacent to suitable bat foraging habitat.

Neither of these documents have been provided by the applicant and for this reason, the Ecologist is unable to determine what impact the proposal could have on protected wildlife species. Therefore, the development is considered contrary to the NPPF and Local Plan policy DP3.

### Health and Wellbeing

No issues of health or well-being are raised, however, the proposal would provide additional homes.

### Other Matters

The Parish Council have supported the application and comment that an existing right of way should be maintained for nearby residential properties, which should be made reference to if permission is granted to protect the interests of the adjoining properties. However, as this is a legal matter, not dealt with under planning legislation, it would not be considered appropriate to request this information.

## **CONCLUSION**

The proposed development of two dwellings would represent the loss of a community facility and is considered to be harmful to the openness of the Green Belt and would have a detrimental impact on the Conservation Area, and setting of a Grade I listed building. There are no public benefits are considered to outweigh the harm caused to the Conservation Area or setting of the listed building. Furthermore, the development is considered to be harmful to the existing street scene and could also potentially cause harm to protected wildlife species. Therefore, the proposal is considered to conflict with the NPPF and aforementioned Local Plan policies and guidance.

## **REFUSAL REASONS**

- 1 The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. Paragraph 89 determines that exceptions to inappropriate development in the Green Belt include the partial or complete redevelopment of a previously developed site, so long as it does not have a greater impact on the openness of the Green Belt.

The application site is considered to represent previously developed land, however, the proposed dwellings are considerably larger than the existing single storey structure, providing two separate, two storey structures, rather than one single storey building, which are nearly double the floorspace of the existing school, which would have a greater impact on the openness of the Green Belt. Therefore, the proposed development is considered to be contrary to the NPPF.

- 2 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.

Furthermore, Local Plan policy DAP8 requires development to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. It goes on to state that development should respect the setting of Conservation Areas and should not impact on important views or groups of buildings from inside and outside of the boundary.

The proposed dwellings are considered to cause harm to the Conservation Area by reason that they do not respect the established character found within the wider area. Furthermore, the parking provision to the front of the property dominates the front aspect and is uncharacteristic within this part of the Conservation Area.

It is not considered that the public benefits which the development would bring, when considering the impact which the properties would have on the openness of the Green Belt and its rural setting, would outweigh the harm caused to the Conservation Area. The development is therefore considered to be contrary to the NPPF and Local Plan policy DAP8.

- 3 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.

Furthermore, Local Plan policy DAP4 states that development will not be permitted that will adversely affect the setting of a listed building.

The proposed dwellings are considered to cause harm to the setting of the Grade I listed building, by reason that they do not respect the established character of the Conservation Area. The parking provision to the front of the property dominates the front aspect and is uncharacteristic within this part of the Conservation Area, which detracts from the character of the listed building.

It is not considered that the public benefits which the development would bring, when considering the impact which the properties would have on the openness of the Green Belt and its rural setting, would



outweigh the harm caused to the setting of the listed building. The development is therefore considered to be contrary to the NPPF and Local Plan policy DAP4.

- 4 Local Plan policy DP1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. The Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

The proposed dwellings are considered to be harmful to the existing established street scene, by reason of their siting which is inappropriate and incongruous. The development is not considered to harmonise with the existing street scene. The proposal would represent a significant departure from the existing single storey structure, providing two buildings rather than one, which is not considered to respect the existing character of the street scene. Therefore, the proposed development is considered to be contrary to the NPPF, Local Plan Policy DP1 and the Residential Design Guide

- 5 Adopted Local Plan policy SC8 states that the redevelopment or change of use of community facilities that serve local needs will not be permitted unless: there are other similar facilities accessible to the local community by means other than a car; the facility is redundant and no other user is willing to acquire and manage it; or there is an assessment demonstrating a lack of need for the facility within the local community.

There are no other schools within walking distance of the site. There has been no formal evidence submitted by the agent to indicate that the facility is redundant, or that any other users are not willing to acquire the site. Furthermore, there has been no information provided by the agent demonstrating a lack of need for the facility within the local community. Therefore, the development would result in the loss of a community facility and the proposal is considered to be contrary to Local Plan Policy SC8.

- 6 Paragraph 99 of Circular 06/2005 *Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System* advises that it is essential that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, is established *before* planning permission is granted, otherwise all relevant material considerations will not have been addressed on making the decision. Circular 06/2005 advises that the need to ensure that ecological surveys are carried out

should only be left to conditions in exceptional circumstances. No such circumstances exist in this case.

**Planning Committee:** 11 October 2016

**Item Number: 6**

**Application No:** [W/16/1174](#)

**Town/Parish Council:** Whitnash  
**Case Officer:** Ian Lunn

01926 456527 [ian.lunn@warwickdc.gov.uk](mailto:ian.lunn@warwickdc.gov.uk)

**Registration Date:** 01/08/16

**Expiry Date:** 26/09/16

**32 Heathcote Road, Whitnash, Leamington Spa, CV31 2NF**

Erection of first floor side extension and single storey front extension FOR Mr & Mrs Singh

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought to add a first floor extension to the side/rear of the dwelling over the existing side/rear extension and also to add a single storey extension to the front of the property.

**THE SITE AND ITS LOCATION**

32 Heathcote Road is a semi-detached house constructed predominantly of red facing brick for the external walls (but with some cream render to the front elevation) under a pitched brown clay tile roof. Single storey red brick/red concrete pantile extensions have more recently been added to the front, side and rear. The property is located due north of the junction of Avon Road and Heathcote Road in a wholly residential area.

**PLANNING HISTORY**

W/97/0899 – Construction of pitched roofs over front porch, side and rear extension – Granted 10<sup>th</sup> September 1997.

**RELEVANT POLICIES**

- National Planning Policy Framework
- [The Current Local Plan](#)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**Whitnash Town Council:** Object. The application proposes the extension of the property in front of the 'building line'.

**WCC Ecology:** No objections, subject to the imposition of the Bat and Nesting Bird informative.

**Public Response:** One letter of objection has been received from the occupiers of the neighbouring property (30 Heathcote Road). They are concerned that the proposed side extension will adversely affect light to their kitchen and landing windows.

## **Assessment**

The main issues in the consideration of this application are:

- Design
- Amenity
- Highway Safety
- Sustainability
- Ecology

### Design/Scale

The proposed extensions will occupy relatively prominent positions in the street scene fully visible from Heathcote Road, however, both are, on balance, considered to be acceptable in design and scale terms for the following reasons:

It is considered that the proposed first floor extension will appear subservient to the host dwelling as it is to be set back approximately 0.5 metres from the main front wall with a ridge level set approximately 0.25 metres below the main roof. It will also incorporate a pitched 'hipped' roof that will match the roof of the host dwelling and is to be constructed of matching materials.

The objection from the Town Council in respect of the proposed front extension is noted, however, it is considered, on balance, that a refusal on such grounds would be difficult to substantiate in this instance. This is because:-

- a) the building so enlarged will not protrude significantly forward of the neighbouring properties many of which have bay windows; the increased projection will be relatively minor amounting to an additional 0.7 metres; and the overall projection will be no greater than that of the porch which has been added to the front of 30 Heathcote Road next door. On this basis it is contended that the enlarged property will continue to relate in a satisfactory manner to its surroundings,
- b) it is considered that the proposed works will improve the appearance of the dwelling introducing a matching and more cohesive 'hipped' roof in place of the existing part 'hipped'/part 'lean-to' roof arrangements,
- c) the extension is to be constructed of matching materials, and
- d) it will be subservient to the host dwelling appearing as a quite modest addition that will be viewed against the backdrop of the larger property.

There will be a gap of approximately 0.75 metres between the first floor side/rear extension and the property boundary with 30 Heathcote Road. This is 0.25 metres below the normal requirement of one metre. However:-

- a) the side/rear extension will, as indicated above, be set back from the main front elevation,
- b) there is a similar gap between the gable of the adjoining property and the property boundary, and
- c) there is no reasonable prospect of 30 Heathcote Road being extended on this side.

In view of this it is contended that the proposals will not give rise to 'terracing' in this instance.

#### Amenity

The first floor extension will affect the level of sunlight and daylight currently received by windows within the gable of 30 Heathcote Road next door. However, with one exception, these provide light to 'non-habitable' rooms. One side facing window provides light to a kitchen. However this is a secondary window and there is another opening serving that room in the rear elevation of that property that will be largely unaffected by this development and that will continue to provide light to it albeit through the adjoining glazed conservatory. In view of this, and as neither this nor the proposed front extension will breach the 45 degree line and adversely affect light to any other 'habitable room' window within this or any other property, it is considered that a refusal of this application on grounds of light loss could not reasonably be sustained despite concerns to the contrary.

The proposal will not give rise to unacceptable overlooking of neighbouring properties either provided that the proposed first floor side facing window is suitably obscure glazed. A condition to this end is therefore recommended. All other new windows will either face the rear garden of the application premises at a minimum distance of 20 metres, the front garden of 28 Heathcote Road (which is already fully visible from Heathcote Road) or Heathcote Road itself.

## Highway Safety

The area to the front of the property is currently largely hard surfaced and used for parking purposes in conjunction with the dwelling. It will not be significantly affected by this proposal and is large enough to satisfactorily accommodate at least three cars which complies with the Council's Vehicle Parking Standards SPD.

It would be possible to turn cars around within the site, thus enabling them to enter Heathcote Road in a forward gear, but it is more likely that they would be reversed to or from the site. Whilst this is clearly not ideal in highway safety terms it is no different to the current situation and other properties in the street which lack any 'on-site' turning facilities at all. With this in mind it is considered that a refusal of this proposal on lack of 'on-site' turning grounds could not reasonably be sustained.

The property currently benefits from what is considered to be a satisfactory vehicular access from Heathcote Road. This is to be retained unaltered. In view of the above the proposal is considered to be acceptable in highway safety terms.

## Sustainability

Given the limited scale of the proposed development it is considered that a requirement to provide renewables/ fabric first approach will not be appropriate in accordance with Policy DP13 and the associated SPD.

## Ecology

The applicants have submitted a Bat Survey in support of their proposals. This concludes that there is presently no evidence of bats roosting within the building. The report has been considered by the County Council Ecologists who accept its findings. As a safeguard, however, they recommend that the applicants be advised, by way of informatives added to the decision notice, of the way that they should proceed should they encounter bats and/or nesting birds during the construction works.

## **Summary/Conclusion**

The proposals are considered to meet the requirements of Policies DP1, DP2, DP8 and DP13 of the Warwick District Local Plan 1996-2011 and the provisions of the National Planning Policy Framework. The extensions are, on balance, considered to be in keeping and scale with the character of the host dwelling and the dwelling so extended will, it is contended, safeguard the character and appearance of the street scene. It is also contended that the enlarged property will not adversely impact upon the amenities of neighbouring properties and will not give rise to any highway safety or ecological concerns.

## **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 in strict accordance with the details shown on the approved Location Plan and drawing numbers 2108/1 and 2108/2, received by the Local Planning Authority on 1st August 2016, except as required by condition 3 below. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 Notwithstanding the details shown on the approved drawings, the materials to be used in the construction of the external walls and roofs of the proposed extensions shall match in type, colour, texture, and shall be laid in a manner to match, those used in the construction of the external walls and main roof of the host dwelling. **REASON:** To safeguard the appearance of the host dwelling and surrounding area in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011 and Sections 7 and 11 of the National Planning Policy Framework.
- 4 The first floor window to be formed within the side (south eastern facing) elevation of the proposed first floor 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 window shall be retained and maintained in that condition at all times. **REASON:** To safeguard the amenities of the occupiers of 30 Heathcote Road in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

**Planning Committee:** 11 October 2016

**Item Number: 7**

**Application No:** [W/16/1280](#)

**Town/Parish Council:** Whitnash  
**Case Officer:** Ian Lunn

01926 456527 [ian.lunn@warwickdc.gov.uk](mailto:ian.lunn@warwickdc.gov.uk)

**Registration Date:** 01/08/16

**Expiry Date:** 26/09/16

**60 Franklin Road, Whitnash, Leamington Spa, CV31 2JW**

Erection of single storey rear extension and erection of new pitched roof over existing garage and porch FOR Mr Lad

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought to add a single storey extension to the rear of the dwelling and to install a 'mono-pitched' roof over the garage and porch which lie to the side and front respectively.

**THE SITE AND ITS LOCATION**

60 Franklin Road is a semi-detached house constructed predominantly of red brick for the external walls (but with a small rendered panel to the front elevation) under a pitched brown concrete tile roof. It is located approximately 40 metres north west of the junction of Moorhill Road and Franklin Road in a wholly residential area.

**PLANNING HISTORY**

W/16/1042 - Prior notification for a larger homes extension - Withdrawn 29th June 2016

**RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)



- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**Whitnash Town Council**-Object. Consider that the proposals would lead to the over- development of the plot; would lead to the loss of the existing parking facilities (including the garage) and would fail to satisfy the 45 degree guideline.

**WCC Ecology:** No objections, subject to the imposition of the standard bat and bird informative.

### **Assessment**

The main issues in the consideration of this application are:

- Design/Scale/Impact on street scene
- Amenity
- Highway Safety
- Sustainability

#### Design/Scale/Impact on street scene

The proposed pitched roof will be visible from Franklin Road although it will be less prominent towards the rear of the building where it will be partly screened by the adjoining dwelling (58 Franklin Road). It is considered that the new 'mono-pitched' roof will improve the appearance of the property suitably harmonising with the 'hipped' roof of the host dwelling and constructed of matching roof tiles. Furthermore, whilst white render, the material to be used for the finish of the external walls of the rear extension, will not generally match the materials of construction of the host dwelling (which is predominantly red brick) it will not be readily visible from any public vantage point and it is considered that it will provide a suitable contrast to that material.

The pitched roof will partly extend over the new rear extension but the latter will also incorporate a significant proportion of flat roof, which is not ideal in design terms, however, as this element of the scheme is to be a single storey and wholly located to the rear of the property, and as the host dwelling is not considered to be of any particular architectural merit, it is considered that it would be difficult to sustain an objection to the proposal on these grounds alone.

The new roof and extension are considered to be acceptable in scale terms. The addition of the former will lead to the slight enlargement of the existing garage and porch but these will remain single storey structures that will continue to be viewed against the backdrop of the larger house. The latter will be a single storey structure located to the rear of a two storey property.

### Amenity

Whilst the single storey extension and new pitched roof will have some effect upon the level of sunlight and daylight currently received by windows within 58 Franklin Road next door, and upon the level of daylight currently received by a conservatory to the rear of no. 62 on the opposite side (not sunlight in the latter case because it will stand to the north of that structure), it is considered that there would be no material harm caused because:

- i) In the case of no. 58 the affected windows are all obscure glazed and serve 'non-habitable' rooms, and
- ii) In the case of the conservatory there are other windows within that structure that will be unaffected by this development and that will, it is considered, continue to provide a suitable level of light to it following the completion of this development.

Neither development will intersect any imaginary '45 degree line' when measured from any adjoining 'habitable room' window despite concerns to the contrary.

The proposals will not give rise to unacceptable overlooking of neighbouring properties. All windows to be formed within the proposed rear extension and new roof will either be 'high level' roof lights/skylights or will directly face the rear garden of the application premises at a minimum distance of approximately 14 metres.

It is also noted that no objections have been received from neighbours.

### Highway Safety

The Town Council are concerned that the proposal will leave the dwelling short of 'off street' parking. However, whilst accepting that the garage is to be converted into additional living accommodation, and will not therefore subsequently be available for parking, it will still be possible to park at least two cars 'off street' on the existing hard surfaced area to the front of the property. This level of parking complies with the Council's adopted Vehicle Parking Standards SPD.

The property does not currently benefit from any 'on-site' turning facilities and none are proposed by this application. However, whilst accepting that reversing vehicles onto or off Franklin Road is not ideal in highway safety terms, it is no different to the current situation and other properties in the street scene also lack 'on-site' turning facilities. With this in mind it is considered that a refusal of this proposal because of the current lack of 'on-site' turning could not reasonably be sustained.

The property currently benefits from what is considered to be a satisfactory vehicular access from Franklin Road. This is to be retained unaltered.

## Sustainability

The rear extension will have a floor area exceeding 35 square metres and consequently there is requirement for it to satisfy the Council's sustainable buildings standards. The applicant has not submitted a scheme to show how the proposal will comply with Policy DP13 and the associated SPD, however, it is considered that this can be secured by condition.

## Other Issues

The Town Council consider that the addition of the pitched roof and extension will lead to the overdevelopment of the site. However this is not accepted. The addition of these structures will lead to no more than 30% of the property curtilage being developed.

## **Summary/Conclusion**

The proposals are considered to be in accordance with the requirements of Policies DP1, DP2, DP8 and DP13 of the Warwick District Local Plan 1996-2011 and the provisions of the National Planning Policy Framework. It is considered that the addition of the pitched roof and extension will, on balance, retain the character of the host dwelling and that the dwelling so extended will safeguard the character and appearance of the street scene. It is also contended that the enlarged property will not adversely impact upon the amenities of neighbouring properties or give rise to any highway safety concerns.

## **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 in strict accordance with the Location Plan, received by the Local Planning Authority on 1st August 2016, and the Existing and Proposed Site Plans, Floor Plans and Elevations, received on 23rd September 2016.  
**REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

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