

Planning Committee Tuesday 29 March 2022

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Tuesday 29 March 2022, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor A Boad (Chairman)
Councillor T Morris (Vice Chairman)

Councillor M Ashford

Councillor R Dickson

Councillor O Jacques

Councillor J Kennedy

Councillor V Leigh-Hunt

Councillor C Quinney

Councillor N Tangri

Councillor J Tracey

Whitnash Residents Association Vacancy

Emergency Procedure

At the commencement of the meeting, the emergency procedure for the Town Hall will be announced.

Agenda Part A – General

1. Apologies & Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

To confirm the minutes of the Planning Committee meetings held on

(a) 1 March 2022

(Pages 1 to 10)

(b) 2 March 2022

(Pages 1 to 8)

Part B – Planning Applications

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

5. **W/21/2192 – Land at Leafields, Warwick** **(Pages 1 to 14)**
Major Application
6. **W/21/0763 – Zetland Arms, 11 Church Street, Warwick** **(Pages 1 to 10)**
7. **W/21/1313 – Baginton School Site, Church Road, Baginton** **(Pages 1 to 14)**
8. **W/22/0225 – Westbury Court, 50 Coten End, Warwick** **(Pages 1 to 3)**
9. **TPO 571 – Nelson Club Car Park, Charles Street, Warwick** **(Pages 1 to 2)**

Please note:

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

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

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

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

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456114

Planning Committee

Minutes of the meeting held on Tuesday 1 March 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors Ashford, R. Dickson, Falp, Grey, Jacques, Kennedy, Leigh-Hunt, Quinney, Tangri and Tracey.

Also Present: Principal Committee Services Officer – Lesley Dury; Legal Advisor – Caroline Gutteridge; Development Manager – Gary Fisher; Legal Advisor – Ameera Patel (observing only).

144. **Apologies and Substitutes**

- (a) there were no apologies for absence made; and
- (b) Councillor Falp substituted for the Whitnash Residents Association vacancy, and Councillor Grey substituted for Councillor Morris.

145. **Declarations of Interest**

Minute Number 149 - W/21/2004 LB – United Reformed Church, Spencer Street, Royal Leamington Spa

Councillor Falp declared an interest because she was a Member of the Council's Cabinet, and the Council owned the application site. She left the meeting and did not return to the meeting at all afterwards when this application was introduced because she had declared interests in all of the remaining applications on the agenda.

Minute Number 150 - W/21/2272 – 14 & 16, 17 & 19, 22 & 24, 30 & 32, 37 & 39, 49 & 51 Offa Road, 23 & 25, 31 & 33 Prospect Road, 3 & 5, 112 & 114 Waverley Road, Royal Leamington Spa

Councillor Falp declared an interest because she was a Member of the Council's Cabinet, and the applicant was the Council. She had already left the meeting when this application was discussed.

Minute Number 151 - W/22/0078 – 1 Prospect Road, 24 & 26 Prospect, 59 Alexandra Road, Royal Leamington Spa

Councillor Falp declared an interest because she was a Member of the Council's Cabinet, and the applicant was the Council. She had already left the meeting when this application was discussed.

146. **Site Visits**

Councillor Jacques made an independent site visit to both application sites in Charlotte Street, Royal Leamington Spa.

147. **W/20/2165 – 6 Charlotte Street, Royal Leamington Spa**

The Committee considered an application from Mr S Singh for the erection of a two-storey rear extension to the existing four-bedroom HMO (use Class C4).

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee because of the number of objections received, including an objection from Royal Leamington Spa Town Council. The applicant was also related to a member of Warwick District Council's staff.

The officer was of the opinion that the application sought to extend an existing HMO to increase the number of bedrooms from four to six, the extension was of an acceptable design, all rooms would benefit from acceptable levels of light and outlook and the extension would not have a negative impact on the amenity of neighbouring properties. Furthermore, the development would provide suitable provision for parking which had been demonstrated through a parking survey and suitable provision for refuse which would be contained to the side of the property out of view of the street scene. The development complied with the relevant policies listed in the report.

The Chairman explained that an email had been received the previous day from Royal Leamington Spa Town Council advising that the objections it had raised to both application sites in Charlotte Street had been addressed with the provision of amended plans and information. The Town Council would have withdrawn its objections to both of the applications had such a request been made to it.

Members were informed that policy H6 in respect of the concentration of houses in multiple occupation could only be applied to new HMOs, not to extensions on existing ones.

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

The Committee therefore

Resolved that W/20/2165 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|---|
| (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) 20/71-02B, and specification contained therein, submitted on 22nd November 2021. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(3)	all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. Reason: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

148. **W/20/2166 – 14 Charlotte Street, Royal Leamington Spa**

The Committee considered an application from Mr S Singh for the erection of a two-storey rear extension to the existing four-bedroom HMO (use Class C4).

The application was presented to Committee because of the number of objections received, including an objection from Royal Leamington Spa Town Council. The applicant was also related to a member of Warwick District Council's staff.

The officer was of the opinion that the application sought to extend an existing four bed HMO to increase the number of bedrooms to six, the extension was of an acceptable design, all rooms would benefit from acceptable levels of light and outlook and the extension had been reduced in size to ensure there would be no detrimental impact on the amenity of neighbouring properties. Furthermore, the development would provide sufficient provision for parking which had been demonstrated through a parking survey and sufficient provision for refuse which would be contained to the side of the property out of view of the street scene. The development complied with the relevant policies listed in the report.

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

The Committee therefore

Resolved that W/20/2166 be **granted** subject to the following conditions:

No.	Condition
(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) 20/71-04B, and specification contained therein, submitted on 22nd November 2021. Reason: For the

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
(3)	all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. Reason: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

149. **W/21/2004 LB – United Reformed Church, Spencer Street, Royal Leamington Spa**

The Committee considered an application from Complex Development Projects for repairs, refurbishment and redevelopment of the Grade II Listed United Reformed Church to facilitate a change of use to office space (use Class E).

The application was presented to Committee because Warwick District Council owned the site.

The United Reformed Church in its current state had been left empty for many years. The officer was of the opinion that it was starting to fall into a state of disrepair.

The application, as amended, sought to gain approval for relatively minor alterations to the previously approved scheme. The majority affected the internal spaces, such as those which comprised minor revisions to the position of stud walls, new openings (doors and windows) and the installation of balustrades to meet the Building Regulations. Several plaques were also proposed to be removed which were not referenced in the listing description but nonetheless formed a part of the listed building.

Externally, the application proposed repair works to some of the decaying external facing materials (repointing and new render for example). The design of the new rear access had been amended and the basement windows were proposed to be infilled with brickwork. New gates would be fitted at the corners of the building for increased security and surfaces replaced to improve the appearance of the site.

WDC Conservation had been consulted throughout the course of the application. They had confirmed that they raised no objection to the revisions to the application provided that large scale details for new windows, lintels and the limecrete floor slab were secured by condition. They also considered that sample materials for the new brickwork should be secured by condition.

The Conservation Officer did raise concerns with the revised design of the rear entrance to which the agent had submitted an amended drawing to meet their requests.

PLANNING COMMITTEE MINUTES (Continued)

On this basis, WDC Conservation raised no objection. Therefore, by virtue of its appropriate design and scale, it had been concluded that the scheme of works would preserve the character and appearance of the Listed Building and would preserve its significance. The works to the exterior of the building were considered sympathetic to the building, would improve its appearance and character and would therefore be of benefit to the significance of the Conservation Area. The recommended conditions would ensure that the finer details of the proposals maintained the quality of the scheme.

The proposed works would facilitate the reuse of a Listed Building that had been vacant for a number of years. The proposed alterations facilitated a change of use which was viable and consistent with the conservation of the building. As such, the proposal accorded with the NPPF and Policies HE1 and RLS3.

An addendum circulated at the meeting advised that the plaques which were referred to in the report were proposed to be repositioned in another part of the building. The Conservation Officer had not objected to this.

The Development Manager explained that the lack of lifts and toilets for people living with disabilities was not a planning matter and was covered by building regulations.

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

The Committee therefore

Resolved that W/21/2004 LB listed building consent be **granted** subject to the following conditions:

- | No. | Condition |
|------------|--|
| (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 approved drawing(s) and specification contained therein; |

Submitted on 29th October 2021:

12000 - 104 T1 Church- Proposed
Sections

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
12000 - 105 T1 2362.01.004 0.T1	Basement Floor Strip Out_Demo Plan.
2362.01.0041.T1	Ground Floor Strip Out_Demo Plan
2362.01.0042.T1	First Floor Strip Out_Demo Plan
2362.01.0043.T1	Second Floor Strip Out_Demo Plan
2362.01.0044.T1	Roof Floor Strip Out_Demo Plan
2362.01.0045.T1	Reflected Ceiling Plan Strip Out_Demo
2362.01.0046.T1	Elevation Strip Out_Demo
2362.01.0047.T1	Existing Section A-A Strip Out_Demo
2362.01.0048.T1	Existing Section B-B Strip Out_Demo
2362.01.1000.T2	Proposed Site Plan
2362.01.1100.T2	Proposed Basement Plan
2362.01.1101.T2	Proposed Ground Floor Plan
2362.01.1102.T2	Proposed First Floor Plan (Mezzanine)
2362.01.1104.T3	Proposed Roof Plan
2362.01.1200.T1	Proposed South Elevation
2362.01.1202.T2	Proposed East Elevation
2362.01.1203.T1	Proposed West Elevation
2362.01.1803.T1	Proposed First Reflected Ceiling Plan
2362.01.2000.T2	Proposed Section A-A
2362.01.2001.T2	Proposed Section B-B

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
2362.01.2002.T2	Proposed Section C-C
2362.01.2004.T2	Proposed Section D-D
2362.01.3002.T3	Detail - Roof Section
2362.01.3005.T2	Detail - Basement Tanking
2362.01.3010.T1	Detail - Memorial Signs
2362.01.3015.T1	Detail - Vents
2362.01.3050.T1	Detail - New Gates
2362.01.3053.T1	Detail - Mezzanine Balustrade
2362.01.3054.T1	Detail - Window Details
2362.01.3055.T	Detail - Upper Mezzanine
2362.01.3056.T1	Detail - Proposed Balustrade on ground
2362.01.3060.T2	Detail - Central Stair Details

Submitted on 24th January 2022:

2362.01.1201.T2 Proposed North Elevation

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies HE1 and HE2 of the Warwick District Local Plan 2011-2029.

- (3) large scale details of the new windows and doors (including a section showing the window reveal, heads and cill details) (except for those already provided on drawing no. 2362.01.3054 submitted on 29th October 2021), all new lintels and a section drawing of the limecrete slab (with labels) at a scale of 1:5 (including details of materials) must be submitted to and approved by the Local Planning Authority prior to the commencement on any works in association with that element of the scheme in question. The development shall not be carried out otherwise than in strict accordance with such approved details. Reason: To ensure a high standard of design and appearance for this Listed Building and the Conservation Area,

PLANNING COMMITTEE MINUTES (Continued)

and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029; and

- (4) no development shall be carried out to the basement windows on the North elevation of the building unless and until samples of the external facing materials to be used to infill the basement windows have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policies HE1 and HE2 of the Warwick District Local Plan 2011-2029.

150. **W/21/2272 – 14 & 16, 17 & 19, 22 & 24, 30 & 32, 37 & 39, 49 & 51 Offa Road, 23 & 25, 31 & 33 Prospect Road, 3 & 5, 112 & 114 Waverley Road, Royal Leamington Spa**

The Committee considered an application from Warwick District Council for a multi-dwelling application for whole house retrofit measures. Identical semi-detached dwellings (20 properties) to receive external improvements, including external wall insulation and new surface finishes, roof repairs and insulation, dormer insulation and new cladding, new high-performance windows and external doors, and mechanical extract ventilation.

The application was presented to Committee because the applicant was Warwick District Council.

The officer was of the opinion that the proposals did not result in an unacceptable impact on the street scene, amenity of neighbouring occupiers nor did they unacceptably impact protected species. The proposals therefore complied with Neighbourhood Plan Policy RLS2 and Local Plan Policies BE1 and BE3. It was recommended that planning permission should be granted subject to conditions.

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

The Committee therefore

Resolved that W/21/2272 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|--|
| (1) | the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|-----|---|
| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 630_02_P100, 630_02_P101, 630_02_P102, 630_02_P120 & 630_02_P121, and specification contained therein, submitted on 21/12/2021. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and |
| (3) | no development shall be carried out above slab level unless and until samples of the hanging tiles to be used on the dormers and ground floor have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029. |

151. **W/22/0078 – 1 Prospect Road, 24 & 26 Prospect, 59 Alexandra Road, Royal Leamington Spa**

The Committee considered an application from Warwick District Council for a multi-dwelling application for whole house retrofit measures to semi-detached dwellings (four properties) to receive external improvements, including external wall insulation and new surface finishes, roof repairs and insulation, dormer insulation (to one of four properties) and new cladding, new high-performance windows and external doors, and mechanical extract ventilation.

The application was presented to Committee because the applicant was Warwick District Council.

The officer was of the opinion that the proposals did not result in an unacceptable impact on the street scene, amenity of neighbouring occupiers nor did they unacceptably impact protected species. The proposals therefore complied with Neighbourhood Plan Policy RLS2 and Local Plan Policies BE1 and BE3. It was recommended that planning permission should be granted subject to conditions.

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

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/22/0078 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|---|
| (1) | the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); |
| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 630_02B_P100, 630_02B_P101, 630_02B_P102, 630_02B_P120, 630_02B_P121, 630_02C_P100, 630_02C_P101, 630_02C_P102, 630_02C_P120 & 630_02C_P121, and specification contained therein, submitted on 18/01/2022. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and |
| (3) | no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029. |

The meeting ended at 6.55pm)

CHAIRMAN
29 March 2022

Planning Committee

Minutes of the meeting held on Wednesday 2 March 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors Ashford, R. Dickson, Falp Jacques, Kennedy, Leigh-Hunt, Morris, Quinney, Tangri and Tracey.

Also Present: Committee Services Officer – Rob Edwards; Legal Advisor – Caroline Gutteridge; Business Manager – Sandip Sahota; and Principal Planning Officer – Dan Charles.

152. Apologies and Substitutes

- (a) There were no apologies for absence made.
- (b) Councillor Falp substituted for the Whitnash Residents Association vacancy.

153. Declarations of Interest

Minute Number 155 - W/21/0862 - St Andrews House, Southam Road, Radford Semele

Councillor Leigh-Hunt declared an interest because the application site was in her Ward and she was addressing the Committee to speak in objection. She would not participate when the Committee discussed the application and made its decision.

154. Site Visits

To assist with decision making, Councillors, Boad, Kennedy, Leigh-Hunt, Morris, and Quinney visited the application site for W/21/0263 – Land North of Bakers Lane, Knowle, Solihull - on Monday 28 February 2022. Councillors Falp, Quinney and Dickson also made independent visits to the site.

The following independent site visits had been undertaken prior to the meeting:

W/21/0862 - St Andrews House, Southam Road, Radford Semele

Councillor Quinney made an independent site visit to this address.

W/21/1204 – 32 Littleton Close, Kenilworth

Councillors Jacques, Quinney, and Dickson made independent site visits to this address.

W/21/1490 - 33 Inchbrook Road, Kenilworth

Councillors Jacques and Dickson made an independent site visit to this address.

PLANNING COMMITTEE MINUTES (Continued)

W/21/1846 -27 Keytes Lane, Barford

Councillor Quinney made an independent site visit to this address.

155. **W/21/0862 – St Andrews House, Southam Road, Radford Semele**

The Committee considered an application from Interlock Surveys Ltd for the demolition of an existing office building and the erection of two new four-bedroom dwellings.

The application was presented to Committee because of the number of objections received including an objection from Radford Semele Parish Council.

The officer was of the opinion that the proposed development would deliver additional housing, in a sustainable location, with adequate on-site parking and an acceptable impact on neighbouring amenity. The development would enhance the site by adding landscaping and providing houses of high-quality design and would also provide adequate waste storage arrangements. It was therefore recommended for approval.

An addendum circulated at the meeting advised that further objections have been received from neighbours, and from Radford Semele Parish Council who had reaffirmed their objection.

The following people addressed the Committee:

- Councillor Carter, Parish Councillor, objecting;
- Mr Sabin, objecting;
- Mr Pugh, supporting; and
- Councillor Leigh-Hunt, District Councillor, objecting.

Members raised concerns that the report did not mention whether the proposed development would comply with Policy CC1 – Climate Change Adaptation. They felt that in order for the Committee to potentially approve the application, in light of the Council's Climate Change Action Plan it would be important to have some more details as to how this Policy was addressed in the application. Members also commented that there appeared to be inconsistencies in the marketing report as to the dates when the property was marketed and did not reflect that the Land Registry stated the current owner had bought the property in April 2021, and therefore further clarity would be needed.

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

The Committee therefore

Resolved that W/21/0862 be **deferred** to further clarify when the property was marketed, and so that further information could be received that the

PLANNING COMMITTEE MINUTES (Continued)

application complies with Policy CC1 - Climate Change Adaptation.

156. **W/21/1204 – 32 Littleton Close, Kenilworth**

The Committee considered an application from Mr Scammell for the erection of a two-storey side and rear extensions and a loft conversion with a rear dormer, raising the ridge of the dwelling.

The application was presented to Committee because of an objection from Kenilworth Town Council.

The officer was of the opinion that the amended proposals did not result in unacceptable impact on the street scene, amenity of neighbouring occupiers including their parking choices, nor did they unacceptably impact protected species. The amended proposals therefore complied with Local Plan Policies BE1, BE1, TR3 and NE2 and the Council's Parking Standards and Residential Design Guide. It was therefore recommended that planning permission should be granted subject to conditions.

The following people addressed the Committee:

- Councillor Jones, Town Councillor, objecting;
- Mr Neill Crossley, objecting;
- Mr Barker, objecting; and
- Professor Branke, objecting.

A motion to refuse the application, contrary to the recommendation in the report, was proposed by Councillor Kennedy, seconded by Councillor Dickson and on being put to a vote was lost.

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

The Committee therefore

Resolved that W/21/1204 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|--|
| (1) | the development hereby permitted shall begin no 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, 02B, 09B, and |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | specification contained therein, submitted on 15/12/2021 and approved drawings 06 A, 07 A, 08 A, 10 A, and specification contained therein, submitted on 30/11/2021. |
| | Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and |
| (3) | the development hereby permitted (including ground clearance works) shall not commence until a protected species method statement for hedgehogs, reptiles, amphibians, and nesting birds (to include toolbox talks, timing of works, supervision of vegetation clearance and reasonable avoidance measures) has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full. |
| | Reason: To ensure that protected species are not harmed by the development. |

157. **W/21/0263 – Land North of Bakers Lane, Knowle, Solihull**

The Committee considered an application from Mr Smith for the change of use of land to the keeping of horses, the erection of stables, the construction of an all-weather riding arena and laying of hardstanding. A hay barn, part of an earlier submission on the scheme, had been omitted, and hardstanding reduced in size and access provided to the paddock area.

The application was presented to Committee because of the number of objections received including an objection from Lapworth Town Council.

The officer was of the opinion that the proposal was an appropriate form of development within the Green Belt. The scale of the building was considered to be appropriate for the land holding. The proposal raised no objection in design or amenity terms and was considered acceptable in relation to highway safety and impact on protected species.

For the above reasons, the application was recommended for approval subject to conditions.

An addendum circulated at the meeting advised that photographs had been received from the CPRE and had been circulated to Members in advance of the meeting.

The addendum also advised of an additional public response which stated that no more development should be permitted before the existing situation was fully rectified, and a concern raised by a third party on the impact on neighbours. Officers had considered the potential impact and were satisfied

PLANNING COMMITTEE MINUTES (Continued)

that due to the separation distance, together with intervening features and the small-scale nature of the specific proposal, the development would not result in material harm to the property.

The following people addressed the Committee:

- Mrs Cooper, objecting; and
- Councillor Illingworth, objecting.

The Legal Advisor advised Members that it was a judgement call for them if they felt the application had such an effect on the openness of the Greenbelt that it should be refused.

Members felt that having taken a site visit to the site, the cumulative effect of the development would lead to the openness of the Greenbelt being undermined.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Falp and seconded by Councillor Dickson that the application should be refused.

The Committee therefore

Resolved that W/21/0263 be **refused** contrary to the recommendation made in the report because of the impact of cumulative development on the openness of the Greenbelt.

(At 8:21pm the meeting was adjourned to allow for a comfort break. The meeting resumed at 8:35pm).

158. W/21/1490 – 33 Inchbrook Road, Kenilworth

The Committee considered an application from Mr Gisbourne for the erection of an additional storey to an existing bungalow, a single storey rear extension, rooflights and chimney along with the rendering of the existing house and the erection of a rear terrace.

The application was presented to Committee because of the number of objections received including an objection from Kenilworth Town Council.

The officer was of the opinion that the development proposal was in keeping with the character and appearance of the property and the area. In addition, the proposals were not considered to present a harmful impact upon the amenity of the neighbouring properties in relation to light, outlook, or privacy, were considered to provide an appropriate amount of parking and were in accordance with the aforementioned policies. The application was therefore recommended for approval.

Councillor Jones, Town Councillor, addressed the Committee speaking in objection.

PLANNING COMMITTEE MINUTES (Continued)

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

The Committee therefore

Resolved that W/21/1490 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|---|
| (1) | development hereby permitted shall begin no 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) 5245-41 and specification contained therein, submitted on 30th July 2021. Approved drawing(s) 5245-62A, 5245-63A and specification contained therein, submitted on 6th December 2021.

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and |
| (3) | the rear terrace hereby permitted shall not be occupied unless and until the privacy screen has been erected in accordance with the approved details. The privacy screen shall remain in situ at all times thereafter.

Reason: To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029. |

159. **W//21/1846 – 27 Keytes Lane, Barford**

The Committee considered an application from Harrison Projects Ltd for the conversion of an existing garage, the erection of a garden shed and the partial demolition of an existing wall.

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

PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that the development proposals were in keeping with the character and appearance of the property and the surrounding conservation area. In addition, the proposals were not considered to cause harm to heritage assets. Moreover, the proposals were not considered to present a harmful impact upon the amenity of the neighbouring properties. The proposal was considered to be in accordance with the policies listed and it was therefore recommended for approval.

An addendum circulated at the meeting advised Members that part of the existing wall would be demolished to accommodate the proposed garden shed, as shown on the existing and proposed plans and elevations for the shed. Conservation and Design did not consider that the partial demolition of the existing wall would be harmful to the character and appearance of the conservation area.

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

The Committee therefore

Resolved that W/21/1846 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|---|
| (1) | the development hereby permitted shall begin no 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) 21/BAR/01 and specification contained therein, submitted on 4th October 2021.

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and |
| (3) | prior to the commencement of the development hereby approved the tree protection measures recommended in the Tree Report reference 4256-CWS-01 dated 5 January 2022 prepared by Cotswold Wildlife Surveys Ltd shall be adopted and implemented in a timely fashion. The development thereafter shall be implemented in strict accordance with the approved details, |

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

and 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: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

144. **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 9:07pm)

CHAIRMAN
29 March 2022

Planning Committee: 29 March 2022

Item Number: 5

Application No: [W 21 / 2192](#)

Town/Parish Council: Warwick
Case Officer: Lucy Hammond

Registration Date: 06/12/21
Expiry Date: 07/03/22

01926 456534 lucy.hammond@warwickdc.gov.uk

Land at Leafields, Warwick

Proposed relocation of car park at Leafields, comprising reinforced grass, with landscaping and associated works. FOR Merlin Attractions Operations Ltd

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

RECOMMENDATION

That, subject to the completion of a Unilateral Undertaking, planning permission be granted subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought to relocate the existing overflow car park from its current site next to the River Avon, to the adjoining field parcel which lies immediately adjacent the western boundary of the existing car park.

The relocated car park would accommodate up to 1,400 cars, representing a net increase of 100 spaces over and above the existing overflow's capacity, which is 1,300 spaces.

Access arrangements would remain the same as existing; via the Stratford Road entrance and use of the car park would also be as per the existing arrangements; limited to the normal opening of the Castle grounds between 10:00 hours and 17:00 hours. No external lighting is proposed as part of this application, thereby further limiting the use of the car park in winter months.

It is anticipated that there would be no discernible change to the patterns of use compared to the existing situation. A summary of the key points of the proposal are set out below:-

- A short section of gravel track is proposed to the north of the application site at the point of access. The rest of the application site would be reinforced grass, which would be perceived as grass;
- The entire construction would be no-dig and no turf or topsoil would be removed;
- The proposal would not result in any significant tree or hedge loss. Where the gravel track crosses root protection areas, it would be laid on geotextile and Cellweb over the existing grass surface such that there would be no detrimental impact on trees;

- The car parking would be sited to provide buffer zones which protect existing trees;
- New hedgerow, improved grassland and scrub planting is proposed which would assist in screening the site, particularly in views from the south;
- An agricultural fence with rabbit wire would run around the entire perimeter and enclose the buffer zone which protects the clump of oak trees on the eastern boundary;
- There would be no external lighting; and
- The existing car park would be restored to pastureland.

As with the existing car park and the wider Castle Park, the application site would not be publicly accessible, except to visitors of the Castle.

THE SITE AND ITS LOCATION

The application site totals 4.14ha and is located to the south of the Castle grounds at Leafields, immediately to the west of the existing overflow car park. Both the application site and the existing car park are within the grounds of Castle Park, which also covers land further to the south. The River Avon lies to the east of the existing car park. Access is obtained via the internal estate road from Stratford Road.

A dense woodland belt known as "The Lilacs" occupies land to the west and provides screening from Foxes Way and Leyfields Crescent. Woodland to the north separates the application site from Knight's Village. On the eastern boundary is a linear clump of English oaks. The entire site is bound by a post and wire fence such that there is currently no visual separation with land to the south or east.

The site, which at present is pastureland, is generally rectangular in shape with a gentle fall in levels in an easterly direction towards the River Avon. It is located within Flood Zone 1.

The wider setting contains the Grade I listed Castle, a Scheduled Ancient Monument, and the Grade I Registered mid eighteenth-century Park and Garden, all within the Warwick Conservation Area.

PLANNING HISTORY

While there is extensive planning history within the wider Castle site, there is nothing of direct relevance to this application site edged red.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- PC0 - Prosperous Communities
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology

- CT6 - Warwick Castle and St Mary's Lands, Warwick
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- FW1 - Development in Areas at Risk of Flooding

SUMMARY OF REPRESENTATIONS

Historic England: Previous concerns now overcome; remaining comments relate to the planting of parkland trees in the eastern site

WDC Conservation: Further to the submission of revised plans, there is no objection to the development; the impact overall is considered neutral with parkland trees now proposed and arguably heritage enhancements given the revealing of the carriage drive which, in turn, enhances the significance of the Registered Park & Garden.

Society for the Protection of Ancient Buildings: No comments to make; content to delegate to Conservation Officer

WCC Landscape: Previous concerns largely overcome through the submission of amended plans; parkland trees should however be introduced to the eastern parcel of land as well as to the west so it reads as a continuation of the parkland setting and helps visually connect the fields

Open Space: No objection; some comments made in relation to landscaping matters

WCC Ecology: No objection subject to conditions

LLFA: No objection subject to condition

WCC Highways: No objection

Safer Communities, Health & Community Protection (Environmental Health): No objection subject to conditions

Gardens Trust: Maintained objection; it is noted that the amendments made to the plans represent an improvement however a car park does not constitute a heritage gain, regardless of the mitigation proposed. Further comments are made in respect of additional planting which should be considered.

Public Response:

127 objections (including a number of duplicate comments from the same individuals and not all of whom are local residents) received raising the following concerns:

- Increased noise
- Increased air pollution
- Harm to a historic landscape
- Impact on protected species

- Impact on rural landscape
- Loss of privacy
- Concern about use of lighting
- Degradation of soil
- Concerned about the environmental impact
- Increased risk of flooding
- This won't benefit the town or the local economy
- This does not respond to the Climate Emergency
- Insufficient mitigation is proposed
- There is no guarantee the existing car park will be returned to pastureland

Other non-material considerations made, including:

- Loss of view from nearby properties
- The level of consultation on the application
- There is no need for the proposal
- Other sites should have been considered for parking
- Uncertainty over future plans by the Castle
- Reference made to an unrelated site for a non-comparable development which was refused some 12 years ago under the former Local Plan

Other comments made based on incorrect information/misunderstanding of the proposals, including:

- The site is in the Green Belt
- The size of the car park will double (and in some representations is alleged to triple)
- The whole area will be covered in tarmac

Other objections received from:-

Conservation Advisory Forum (CAF)

Objection for the following reasons:

- Impact on the open pastureland
- Agreement with the comments of CPRE and WCC Landscape is noted
- Disagree with the comments of Historic England that this would be less harmful through the relocation away from the river
- Overall, harmful to the national significance of the Registered Park and Garden within the setting of a Grade I listed building

CPRE

Objection for the following reasons:

- Threats to habitats and biodiversity
- Impact on historical and socially significant landscape
- Impact on the amenity of local residents

8 support comments received raising the following matters:

- The Castle is such an important tourist attraction and utilising this area as overflow car parking is a good idea and beneficial to the town as it takes pressure off town centre parking which is already in high demand
- The Castle is critical to the town and it should be supported to keep the community strong and vibrant

- It is appropriate to move the existing overflow away from the river and closer to existing urbanised land
- Since little additional parking is proposed there will be no detriment to traffic levels in the town
- This proposed solution seems sensible providing it is well managed and not completely hard surfaced
- Any additional revenue from tourists and visitors to the Castle helps to fund ongoing maintenance and important work to the castle itself and this should be supported
- The existing overflow car park has been used, without incident, for approximately 20 years
- Increased tree planting would offer an increased level of protection against noise
- Warwick Chamber of Trade support Warwick Castle and further notes that the NPPF and the Local Plan support sustainable economic growth
- There are no grounds to object to the simple relocation of the existing overflow from one field to the adjacent field
- There is already substantial planting between the proposed overflow and existing properties but with additional tree planting proposed this will offer greater screening as well as biodiversity improvements

ASSESSMENT

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

- The principle of development including the impact on the heritage assets;
- Access and highway safety;
- The impact on residential amenity; and
- Other matters (drainage, ecology).

Principle of development (including the impact on Heritage Assets)

National and Local Policies

Policy CT6 of the Local Plan relates specifically to Warwick Castle (and St Mary's Lands) and states that development at the Castle will be permitted where it is brought forward in line with an approved Masterplan setting out the development principles and broad areas for development, indicating the type of uses proposed and a Conservation Plan for the historic asset. The Masterplan will provide the framework within which planning applications will be determined and will:

- a) Identify the physical and economic context;
- b) Identify the development principles to underpin future development proposals;
- c) Identify the significance of heritage assets within the vicinity, setting out how these will be sustained and enhanced;
- d) Identify the location of developments, demonstrating how proposals will relate to the heritage assets and how they will enhance the positive contribution the asset makes to sustainable communities and to the character and distinctiveness of the area; and

- e) Identify how the proposals support the vitality and viability of the local economy.

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The NPPF paragraph 190 states that the wider social, cultural, economic and environmental benefits that the conservation of the historic environment can bring should be taken into account and paragraph 197 recognises the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; and the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality.

The NPPF paragraph 199 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Substantial harm or loss to heritage assets of the highest significance, including Grade 1 Listed Buildings and Grade 1 Registered Parks and Gardens, should be wholly exceptional.

Local Plan Policy HE1 reiterates the principles of the Framework, stating that development will not be permitted if it would lead to substantial harm or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or where certain criteria set out within the policy have been demonstrated. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposals, including securing the optimum viable use.

While Policy HE4 'Protecting Historic Parks and Gardens' was deleted from the New Local Plan by the Inspector, some of the text has been carried forward in the explanatory text of Policy HE2 (Conservation Areas) and states that Historic Parks and Gardens are an important cultural, historical and environmental asset

within the District and the Council wishes to ensure they are protected, maintained and restored.

Warwick Castle Masterplan

A final draft of the Warwick Castle Masterplan was submitted to the Council in December 2019 following a public consultation undertaken by the Castle and addressing comments from officers. Section 7 of the Masterplan which relates to the concept and guiding principles of development was endorsed by the Executive Committee in February 2020.

Within the Masterplan, the overflow car park is identified as No.17 on the illustrative map which highlights the various upcoming proposals and projects, ranging across heritage restoration works, visitor experiences and operational infrastructure. The car park falls within the latter category.

The Masterplan explains that Warwick Castle has two permanent car parks; The Stables/Castle Lane and Stratford Road. During busy days it also uses land at Leafield Farm for overflow parking; a use which has been ongoing for a number of years. One of the benefits of the overflow includes the fact it draws cars into the Castle before it reaches the town centre where car parking can be at a premium, many roads are busy and some car parks are remote from the Castle. There are no other locations within the Castle grounds where such overflow parking could be placed.

With regard to Leafield, the Masterplan states that the Castle is exploring the opportunity to place the car parking further westwards, down to the woodland block along the edge of the field.

The Heritage Assets

Warwick Castle Park is a heritage asset of the highest significance. It is the only historic park and garden within Warwick District to be included on the national Register of Parks and Gardens (RPG) at Grade I. The Park provides the immediate setting for the Grade I Listed (and part Scheduled Ancient Monument) Warwick Castle. Both the Castle and the Park are located within the Warwick Conservation Area.

The setting of the Castle includes the River Avon to the east, south and south-west, and the long ranging views of the wider landscape from the Mound which, historically, offered the greatest vantage point across the land as part of the Castle's defensive system. Beyond the immediate Park and Garden the countryside is visible in the distance. The setting contributes greatly to the significance of the Castle by illustrating the commanding position of the fortification over the surrounding town and countryside.

The site of both the existing and the proposed car parks is located approximately 600m southwest of Warwick Castle where it forms part of its wider parkland setting, illustrating the 18th century naturalistic redesign of the landscape by 'Capability' Brown, albeit this is limited as many designed features no longer survive. There is no inter-visibility between the site and the Castle due to dense intervening woodland and mature specimen trees, particularly at Foxes Study.

This includes panoramic views from Guy's Tower and the Castle Mound, where the site is completely obscured.

This part of the park is divided laterally following the route of a historic carriage drive that linked to the 19th century avenue of deodar trees through Foxes Study, leading to the pleasure grounds to the north. The historic footpath is no longer publicly accessible but is evident today as a track with some modern tree/hedge planting along it.

The area benefits from strong screening from woodland blocks. Foxes Study screens the site from Warwick Castle and other listed buildings within the pleasure grounds to the north, as well as the wider Warwick Conservation Area. The Lilacs provides screening from residential properties to the west. The application site falls within one of the key views identified in the RPG listing description: the view of the Castle from Spiers Lodge (Grade II*) as painted by Sandby in 1776. It is screened from the remaining views by dense woodland.

The impact on the Heritage Assets including mitigation

The proposal involves the removal of the existing overflow car park adjacent to the River Avon and its restoration back to pastureland. The car park is to be relocated within the site with buffer zones of 30m to the north and west to protect existing woodland and landscaping which is adjacent to the site of the proposed car park. 1.2m high agricultural fencing with rabbit wire is proposed to protect the buffer zones and the clump of oaks.

The new parking area will be accessed via an existing entry point in the north eastern corner of the site which presently provides access via an internal estate road from Stratford Road (to the existing car parking area). The proposal does not include any external lighting.

The new entrance to the car park would result in the loss of 1no. poor quality horse chestnut, while the oak nearby would be retained. In response to comments received from Historic England, the Conservation and Landscape Officers and Gardens Trust, amended plans have been submitted to show the following improvements to the proposal:

- The original proposed hedgerow along the eastern boundary has been removed;
- Parkland trees have been re-introduced across the application site;
- The historic Carriage Drive would be revealed by mowing; wildflower planting is no longer proposed along here;
- The buffer to the north has been increased from 10m to 30m;
- The buffer to the west has been increased from 20m to 30m;
- The gravel track previously shown as running along the north of the site and connecting into five reinforced grass tracks has been removed and relocated to the north east corner of the site; and
- An area of scrub to the south has been replaced with improved grassland planting.

The submitted supporting information from the applicant considers the potential effects of the proposal on the significance of the following assets: Warwick Conservation Area, Warwick Castle Registered Park & Garden (Grade I), Warwick

Castle (Grade I and Scheduled Monument), Hunting Lodge (Grade II*) and Leaffield Bridge (Grade II). Through a comprehensive assessment within the submitted Heritage Statement as well as revised plans which were submitted during the course of the application, the applicants conclude that the proposed car park is acceptable from a heritage perspective and compliant with the relevant statutory and policy considerations.

The proposals have also been comprehensively considered by Historic England, the Conservation Officer, the Gardens Trust and the County Landscape Officer. The original comments from these consultees prompted the submission of amended plans which resulted in the aforementioned changes. All concur that the revisions now represent an improvement on the original proposal and would further reduce heritage impacts. Historic England recommend some further amendments to the tree planting plan including changes to species as well as the addition of parkland tree planting in the eastern field as part of the remediation of the existing car park.

Similarly, the Landscape Officer agrees that the amendments would reduce the visual and landscape impacts and has no objection to the remaining amendments. Their only recommendation, like Historic England, is for further enhancements to be made to the character of the eastern field through additional mitigation.

It is important to note that the eastern field does not form part of the red line application site boundary and to that end additional planting cannot be secured in this area as part of any forthcoming permission for the relocated car park. It is however intended that in the event planning permission is forthcoming, this would be subject to the completion of a Unilateral Undertaking which requires the use of the existing car park to cease and the restoration of the land back to pastureland in accordance with a scheme approved by the Local Planning Authority. A draft Unilateral Undertaking has been submitted with this application and would form part of any forthcoming planning permission. This would be the mechanism through which any additional planting and mitigation would be secured and it is through this that additional parkland tree planting can be secured as requested by Historic England, County Landscape and the Gardens Trust.

The Conservation Officer raised no objection to the development; in response to the amended plans it has been noted that the introduction of parkland trees is welcomed and the original carriage drive becoming more legible with mowing and the omission of wildflower planting in turn results in the impact overall being considered neutral with heritage enhancements as set out above which, consequently enhances the significance of the Registered Park and Garden.

Despite the maintained objection from the Garden Trust, it is noted that in light of the amendments which have been made their response acknowledges the positive improvements which would result. The more fundamental matter for the Garden Trust is founded in the amount of car parking spaces, which, in their view, cannot constitute a heritage gain. Notwithstanding that, officers have had regard to the fact that this is not a proposal for a new car park, but the relocation of one already established (with a net gain of 100 spaces). Officers are of the opinion, combined with the amendments that have been made, that the heritage and landscape improvements that result from its relocation, away

from the river and further out of key views and vantage points, outweighs any harm which the Garden Trust has identified with respect to the type and amount of planting proposed. It is reiterated also that the purpose of the Unilateral Undertaking is to secure the additional parkland tree planting required along with any other appropriate mitigation which is deemed necessary in the eastern area (the existing car park site).

As a final point, the contribution that the Castle makes to the economy of the town and region is significant and the benefits of the development in terms of supporting the Castle in its function as a major tourist attraction for the town (and region) is a material consideration in the assessment of the scheme. The NPPF paragraph 190 states that the wider social, cultural, economic and environmental benefits that the conservation of the historic environment can bring should be taken into account and paragraph 197 recognises the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; and the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality.

Conclusion on principle of development / heritage assets and impact

Overall, officers are satisfied that the development is acceptable in principle having regard to Policy CT6 and the Masterplan. In addition, the impacts on the relevant heritage assets, taking into account all the consultation responses with specific regard to the heritage and historic landscape matters as well as the amendments that have been made to address initial concerns are considered neutral, with heritage enhancements resulting from certain aspects of the proposals as set out above. Since it has not been concluded that 'less than substantial harm' would be caused, no further examination of the public benefits in this particular instance is deemed to be required.

Notwithstanding the above, any forthcoming permission would still be subject to a Unilateral Undertaking to secure not only the restoration of the eastern field once its use as the existing car park ceases, but also to ensure that appropriate mitigation including parkland tree planting is undertaken in the adjacent site to the application site edged red.

Access and highway safety

The proposed car park is expected to operate in the same way as the existing car park. Access arrangements would continue to be via the Stratford Road entrance thus drawing traffic into the Castle before it reaches the town centre. No new access is proposed. Use of the car park would also be as per existing arrangements which are limited to Castle opening hours.

The site area of the proposed car park (3.26ha) is marginally bigger than the existing car park (3.14ha). However, the proposed landscape plan shows how part of the application site is reserved for landscaping and biodiversity improvements and accordingly cannot provide operational car parking. The submitted Transport Statement therefore confirms that the proposed car park would likely deliver around 100 additional spaces compared to the existing car park, but concludes that this would not in itself result in any additional vehicular

trips to the site. Consequently, it is not anticipated that there would be any demonstrable impact on the public highway network.

The County Highway Authority, having undertaken a full assessment of the application, has stated that the relocation of the parking facilities within the Castle grounds, would have no impact on the surrounding highway network. Accordingly, no objection is raised to the proposals and no conditions are recommended either.

Officers are satisfied that the development would not be detrimental to matters of highway safety and therefore consider it accords with Policy TR1 of the Local Plan.

Impact on residential amenity

Although the relocated car park would be brought closer to the properties in Foxes Way and Leyfields Crescent to the west, the distances between the rear gardens of Foxes Way and the frontages of Leyfields Crescent would still be within approximately 90 and 120 metres. It should be borne in mind that the vast majority of that distance separation consists of dense woodland and tree planting which, as part of this application, is proposed to be further extended and improved to provide biodiversity enhancements.

To that end, there would be very limited, if any, visibility from the properties to the car parking area and in regard to noise, the Environmental Health Officer, who initially requested some further information, has considered the proposals and raised no objection, based on the fact that the proposed relocation would have a nominal impact on the overall/absolute sound levels experienced at nearby residential dwellings.

Concerns have been raised by residents about the potential use of lighting all through the year. The original submission stated that no external lighting was proposed, however, further information has been submitted in this regard which considers the potential impact of temporary lighting systems used in the winter months. This information identified that the use of 3no. mobile lighting units positioned in the centre of the proposed car park site would not have an adverse noise impact on nearby residents. The Environmental Health Officer has advised that since the location of the temporary lighting units could vary depending on requirements, a plant noise condition should be imposed on any forthcoming permission, in the event that temporary lighting systems are required to be located nearer to the residential site boundaries.

Having regard to the above, officers are satisfied that the proposal is acceptable in this regard and accords with Policy BE3 of the Local Plan.

Other matters

Drainage

The existing overflow car park is within Flood Zones 2 and 3. The proposed relocation would take it out of the flood plain, and move it entirely into Flood Zone 1, where there is low risk of flooding. A Flood Risk Assessment (FRA) was submitted with the application and the LLFA, having considered the supporting

information, confirmed they had no objection to the development, subject to a condition requiring the development to be carried out in accordance with the details set out within the submitted FRA.

The development is considered acceptable in this regard and therefore accords with Policy FW1 of the Local Plan.

Ecology

The proposals include extended buffers to the north and west of the relocated car park site, in which improvement works are proposed that would lead to biodiversity net gain and ecological enhancements. Survey work was undertaken initially with several supporting documents accompanying the application and further work has been carried out at the request of the County Ecology Officer, the results of which have fed into the revised landscaping proposals that also respond to the comments from County Landscape and Historic England.

The County Ecologist has noted that any changes made in response to the heritage and landscape comments have been reflected in the Biodiversity Impact Assessment (BIA) and the change of habitat proposals to the south of the site are satisfactory. The increased woodland buffer depth to the north and west sides to 30m now is also welcomed as this will offer better protection and reduce the likelihood of negative impacts such as the potential disturbance to woodland and associated species. The original objection from the County Ecologist has since been removed and a condition recommended in the event that permission is forthcoming.

The recommended lighting condition cannot be attached because lighting is not proposed with this application. In the event temporary light columns are used through the winter months these would not require planning permission and as such details cannot be required by condition. In the event permanent lighting was proposed in the car park this would be subject to a planning application in its own right.

Notwithstanding the submitted LEMP, it is recommended that a further one be required by condition which would specifically provide details and specification of fencing around the woodland and condition checks for fencing prior to vegetation establishment.

As a final point, it is stated by the County Ecologist that a net gain has been demonstrated for this application which is satisfactory from the biodiversity offset point of view in its own right as a standalone planning application. However, a very early discussion around combining the biodiversity offset of this application with the pending application for the proposed hotel (W/22/0140) is referenced in the comments, suggesting that the two applications should be linked together. It is officers' opinion that the two applications are distinct and separate matters, each to be treated on its merits. Ultimately, each proposal should be ensuring there is a biodiversity net gain and since it has been confirmed that the car park application does just that, the development is acceptable. The hotel application will be considered in the same way but has no bearing on this application. It is officers' opinion that there is no need for these two applications to be linked together.

Having regard to the above, the proposals are considered to accord with Policies NE2 and NE3 of the Local Plan.

SUMMARY / CONCLUSION

The proposed development is considered to be acceptable in principle in accordance with Policy CT6 of the Local Plan as well as the relevant heritage policies, both nationally and locally. The relocation of the car park is not considered to harm the significance of the relevant heritage assets; the impact is considered neutral with the heritage enhancements that have been identified.

There would be no detriment to residential amenity, highway safety, ecology or drainage and overall, for these reasons, it is recommended that planning permission be approved, subject to the conditions listed below as well as the completion of a Unilateral Undertaking which will require the cessation of the use of the existing overflow car park and its restoration back to pastureland, including the planting of parkland trees.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 353/21 20, and specification contained therein, submitted on 06 December 2021, and approved drawings 353/21 25 Rev.A, 353/21 32 Rev.A and 353/21 34 Rev.A and specification contained therein, submitted on 01 March 2022 and approved drawings 353/21 23 Rev.B and 353/21 26 Rev.B, and specification contained therein, submitted on 16 March 2022. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected species including badgers, bats and breeding birds and appropriate working practices and safeguards for wildlife 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 the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

- 4 The development hereby permitted shall not commence until a further Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details and specification of fencing around the woodland and condition checks for fencing prior to vegetation establishment. Such approved measures shall thereafter be implemented in full.
REASON: To ensure protection of species and no net loss in accordance with ODPM Circular 2005/06 and the NPPF.
- 5 Any hard landscaping shown on the approved plans, including boundary treatment, paving and footpaths, shall be completed in all respects within the 6 months of the first use of the development hereby permitted. Any soft landscaping shown on the approved plans, including any tree(s) and shrub(s), shall be planted within the first planting season following that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of the same size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 6 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, or continuous tone (whine, screech, hiss, hum etc), or if there are discrete impulses (bangs, clicks, clatters, thumps etc.), or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To ensure that the level of noise emanating from any plant or equipment is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 7 The development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) by Simpson | tws dated 02/12/2021. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme. **Reason:** To prevent the increased risk of flooding in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029.
-

Planning Committee: 29 March 2022

Item Number: 6

Application No: [W 21 / 0763](#)

Town/Parish Council: Warwick
Case Officer: Jonathan Gentry

01926 456541 jonathan.gentry@warwickdc.gov.uk

Registration Date: 21/04/21

Expiry Date: 16/06/21

Zetland Arms, 11 Church Street, Warwick, CV34 4AB

Change of use from Public House (Sui Generis) to 1no. dwelling house (Use Class C3) FOR Punch Partnerships (PML) Limited

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

RECOMMENDATION

Members are recommended to grant permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the change of use from a Public House (Sui Generis) to a dwellinghouse (Use Class C3). The proposed change of use is to be facilitated by a range of internal works and reconfigurations to make the building suitable for private habitation. A separate application for Listed Building Consent (ref W/21/0764/LB) was granted on 18 March 2022 under delegated powers.

THE SITE AND ITS LOCATION

The application site relates to a Grade II Listed Public House located within the mixed-use area of Warwick Town Centre. The site is positioned on the west side of Church Street, bound on either side by business and residential uses. Listed in 1973, the Historic England listing reference describes the site as early to mid C19. Additional information noted comprises a red brick low pitched Welsh slate roof with wide bracketed cornice and three sashes with glazing bars, rusticated heads and keystones. The site is situated within the Warwick Conservation Area and lies within the setting of a number of other Listed Buildings, including the Church of St Mary some 50m to the north.

PLANNING HISTORY

There is a detailed history of Listed Building Consents for various alterations to the building, but none which are directly relevant to the consideration of this application.

RELEVANT POLICIES

- National Planning Policy Framework

- Warwick District Local Plan 2011-2029
- H1 - Directing New Housing
- BE1 - Layout and Design
- BE3 - Amenity
- TR3 - Parking
- HS8 - Protecting Community Facilities
- TC11 - Warwick Town Centre Mixed Use Area
- FW3 - Water Conservation
- HE1 - Protection of Statutory Heritage Assets
- CC1 - Planning for Climate Change Adaptation
- NE1 - Green Infrastructure
- CT3 - Protecting Existing Visitor Accommodation in Town Centre
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)

SUMMARY OF REPRESENTATIONS

Warwick Town Council - Members raise no objection. Attention drawn to Local Plan Policy TC17, noting this does not apply to the application site, but change of use would be a loss to amenity in the Town Centre area.

WDC Conservation & Design - No objection to proposed scheme in principle, and detailed schedule of internal works. Clarification sought regarding works to windows.

WDC Safer Communities, Health and Community Protection - No objection, subject to condition.

WCC Highways - No objection to scheme following submission of parking survey.

WCC Ecological Services - No objection to scheme following submission of Bat Survey Report. Recommend imposition of conditions in relation to mitigation measures, ecological enhancement, and external lighting. Recommend notes relating to licensing, nesting birds attached to any grant of permission.

Public Response - 17 objections received on the following grounds:

- Proposed change of use would result in the loss of a valuable community asset and meeting place.
- Development would result in a loss to local retail trade and tourists visiting Warwick.
- The building is situated in a unique location, is of historic interest, and is distinct from other pubs in the Town.
- The proposed works would result in the loss of a unique large garden area with views of the nearby St Mary's Church.
- The site is not suitable for residential use due to lack of parking.
- The site has not been marketed as a business for 12 months.
- Paragraph 92/93 of the NPPF states that Community Facilities should be preserved.

KEY ISSUES

Principle of Development

In determining the principle of development at this site, both the loss of the existing use as a Public House/ visitor accommodation and the creation of a proposed dwellinghouse are required to be considered.

Loss of Public House/ Visitor accommodation

Paragraph 93 of the NPPF states that to provide the social, recreational and cultural facilities and services the communities need, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

Local Plan Policy HS8 states that the redevelopment or change of use of community facilities that serve local needs will only be permitted where it can be demonstrated that:

- a) There are similar facilities accessible to the local community by means other than the car, and either:
- b) The facility is redundant and no other user is willing to acquire and manage it, or;
- c) There is an assessment demonstrating a lack of need for the facility within the local community.

The supporting text to Policy HS8 states for the purposes of these policies, reference to community facilities includes a wide range of uses within Class D1, including places of worship, dental/medical surgeries, halls and educational facilities. However, it adds that other uses in addition to Class D1 such as Public Houses will be considered community facilities where there is no alternative provision within the community.

The application site is located within Warwick town centre which benefits from a number of Public Houses. As per submitted supporting information, seven other Public Houses or comparable facilities lie within 300 metres of the Zetland Arms, increasing to sixteen within 700 metres. While the loss of any community facility of this type is regrettable, particularly for patrons within the immediate locality, given that there are similar facilities accessible to the local community by means other than the car, the proposal is considered to comply with Policy HS8.

It should also be noted that the applicant has put forward a clear rationale for the change of use of the existing pub to a dwelling owing to the business no longer being viable. Economic constraints exacerbated by the Covid 19 pandemic have been highlighted as a key contributor to this position. In addition, the subsequent completion of a Fire Risk Assessment (FRA) has effectively limited the capacity of the Public House to 60, as opposed to the previously adopted figure of 100 patrons. This additional loss of potential income has further limited the viability of the commercial operation. While solutions to overcome the recommendations of

the FRA have been explored, including the formation of additional access routes into and out of the site, none have been successfully pursued as a result of external barriers.

Alongside the aforementioned matters, the submitted details highlight a range of renovation and restoration works required at the site, totalling approximately £219,000, a responsibility of the lease holder operating the site. Therefore, in addition to a calculated annual income loss against rental costs, a significant additional cost unlikely to be viable for potential tenants and commercially unjustified by the operator lies against the site. The applicant has set out clearly the reasons that have rendered the use unviable and those other options have been explored to retain the business.

Policy CT3 of the Local Plan seeks to protect existing visitor accommodation within town centre areas. While consultation response has highlighted the potential loss of visitor accommodation in the upper floors of the property, the agent has submitted additional evidence supported by statutory declarations from previous tenants to assert that the site has not operated as a hotel or comparable use previously, and the proposed change of use would not result in any loss of existing visitor accommodation. Reviewing the available information, Officers agree with this position. This policy is therefore not considered relevant to the assessment of this scheme.

Proposed residential development

The proposal seeks a change of use to a single dwelling. Local Plan Policy H1 directs new residential development to the urban areas and the application site is located within the urban area of Warwick. The site is also located within the defined mixed-use area of Warwick town centre. The Warwick District Local Plan also recognises the importance of the residential role of town centres. In principle therefore the proposed residential use is acceptable in this location subject, to compliance with other Local Plan policies.

Design and Impact on the Listed Building and Conservation Area

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

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

Paragraph 199 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 202 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.

Policy HE1 of the Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or if criteria listed within the policy have been satisfied. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use. The adopted Residential Design Guide SPD also sets out design principles to which development proposals of this type within Conservation Areas will be expected to comply.

As stated above, Listed Building Consent has been granted for the internal alterations required to facilitate the proposed change of use to a dwellinghouse.

Considering the submitted business justification and the outlined restoration works, Officers acknowledge that the scheme to convert the property to residential use would effectively secure the optimum viable use and future of the Listed Building as a functional space, as opposed to the existing operation. While the proposed development would significantly change the internal character of the building, no harm to the core historic form or layout of the building has been identified. In addition, the works generally seek to preserve remaining elements of historic fabric and are thus considered to avoid harm to the special historic and architectural character of the site.

In addition, noting that no notable external works are proposed, the development is considered to result in no material harm to the wider Conservation Area and setting of the other nearby listed buildings.

As a result, the proposal is considered to lie in accordance with the aforementioned policy considerations.

Impact of the proposal on the living conditions of neighbouring occupiers and whether the proposal would provide adequate living conditions for future occupiers

Policy BE3 of the Warwick District Local Plan seeks to ensure development proposals do not result in an adverse impact on the amenity of neighbouring residential dwellings or significantly impact the amenity of existing and future occupiers of the development site. This is also reflected in the Residential Design Guide SPD. The requirements for compliance with private amenity space and separation distance standards are also outlined within the Residential Design Guide SPD.

Neighbouring Occupiers

The proposal does not propose any extensions to the property, nor the creation of any new windows facing neighbouring dwellings. In terms of privacy and outlook, an adequate distance separation from neighbouring sites is achieved to both the front and rear elevations of the property, at approximately 30 and 17 metres respectively. This accords with WDC Residential Design Guide SPD specification for 22 metre separation to the rear and a reduced level of 15 metres across public streets. The development is therefore considered acceptable in this regard. As a result, the scheme is not considered to result in any material amenity implications

in terms of loss of light, loss of outlook or loss of privacy for neighbouring dwellings/sites. No additional noise or other disturbance as a result of the proposed residential use is identified above the previous commercial use of the site as a Public House.

Future Occupiers

Internal works to the building would result in the re-purposing of many of the buildings internal spaces for residential use. With this in mind, all habitable spaces are assessed by Officers to present appropriate provision of natural light and outlook for future occupiers.

Owing to the large beer-garden outdoor area to the rear of the property, the proposed residential conversion would benefit from a generous private outdoor amenity space of approximately 300sq m. This would lie well in excess of the 60sq m guideline figure outlined in the WDC Residential Design Guide SPD for outdoor amenity space. The site would therefore provide appropriate amenity standards for occupiers in this regard.

In terms of privacy and outlook, an adequate distance separation from neighbouring sites is achieved to both the front and rear elevations of the property as explained above.

As the proposed scheme would establish a residential use throughout the building, ensuring the structure provides adequate noise insulation for occupiers forms a material consideration to amenity assessment.

A Noise Assessment report was submitted to support the application following initial recommendation of the consultee Environmental Health Officer. Updated consultation comments were then issued in response to the submitted report, noting that 'this report has measured existing sound levels at the front and rear facades of the existing premises to establish whether any specific noise mitigation measures are required to achieve published internal noise guidelines (BS8233:2014 and WHO guidelines for community noise, 1999). The report has identified that the front façade of the property (Church Street) is exposed to road traffic noise that will likely exceed these guidelines when the existing windows are open. The noise levels measured at the rear façade indicate that the indoor and outdoor noise guidelines can be achieved through open windows and without any specific mitigation measures. Section 6.17 of the applicant's noise report indicates that a sound reduction performance of between 17dB and 24dB could be achieved for open windows on the Church Street (front) façade through an appropriate scheme of mitigation. This sound reduction performance is presumably based on Table B-5 of the AVO guidance (V.1.1, 2020) for attenuated or plenum windows which has been reproduced in Section 14 of the applicant's noise report. The AVO guidance indicates that this sound reduction performance can be achieved by dual windows with a spacing of approximately 200mm and absorptive linings to the cavity reveals (or a similar configuration).'

The agent has outlined that a 100mm dual window spacing will be incorporated between existing and proposed secondary glazing to the Church Street (traffic facing) façade. Noting that while AVO guidance suggests that the spacing should

be 200mm if it is to achieve the necessary sound reduction, the EH Officer confirmed that other configurations are possible if appropriately implemented. A condition that requires submission of further information to demonstrate that a similar sound reduction performance could be achieved has therefore been suggested. Such a measure is considered reasonable and necessary by Officers to achieve appropriate amenity standards from a noise perspective.

Subject to conditions, the proposal would comply with Policy BE3 of the Local Plan.

Parking and Highway Safety

Policy TR3 of the Warwick Local Plan seeks to ensure parking provision associated with development proposals is reflective of the local area and is in accordance with the Parking Standards SPD.

Owing to its town centre position, the Public House does not benefit from an off-street parking area. Given its location, parking provision in the area is largely subject to permits controlled through the Resident Parking Zone. However, the site is positioned in a sustainable location, within the town centre area and within access of amenities and transport links. Notwithstanding these considerations, the likely potential of car ownership and associated parking requirement for future occupiers must be considered. A Parking Survey was therefore requested due to an increase in parking demand as a result of the development.

The agent has provided three statutory declarations from previous tenants of the site, outlining that the upper floors of the property were not available to let in association with the Public House. In addition, information was highlighted regarding the private residential use of these areas. A Parking Survey was also undertaken in accordance with the Council's outlined methodology and submitted on the 5th November 2021, concluding that there is sufficient capacity available to accommodate the proposed dwelling. Following re-consultation, WCC Highways provided an updated response of no objection to the proposed works.

In view of this assessment, the proposed scheme is considered to appropriately accord with Local Plan Policy TR3.

Ecology

Policy NE2 of the Local Plan seeks to protect designated biodiversity assets and protected species, ensuring they are not adversely impacted by development proposals.

The consultee County Ecologist commented on the initial application submission, recommending that a Bat Roost Assessment was carried out prior to determination in order to establish the potential ecological implications of the proposed works. A Bat Survey Report was subsequently issued in December 2021, which included consideration of other species potential impacted by the works. The survey identified the presence of a bat roost within the site, which would be impacted by proposed internal restoration works. The report proceeded to recommend a selection of mitigation measures to facilitate the works, which were agreed in principle by the County Ecologist upon re-consultation.

In light of the conclusions and recommendations of the submitted report, the Ecologist recommends the imposition of 3 pre-commencement conditions to secure appropriate bat mitigation measures, ecological enhancements through installation of bird and bat boxes, and external lighting details respectively. This are considered necessary to ensure the scheme would not adversely impact the identified ecological factors, including the bat roost within the building.

Finally, a selection of advisory notes was recommended to outline responsibilities of the applicant in terms of licensing, disturbance to birds, and an invasive plant species identified. Officers view such notes are appropriate to outline the relevant responsibilities of the applicant in this instance.

In view of this, the development is considered to lie in accordance with Policy NE2 of the Local Plan subject to application of the aforementioned recommended pre-commencement conditions.

Climate Change

Local Plan Policy CC1 states that all development is required to be designed to be resilient to, and adapt to the future impacts of, climate change through the inclusion adaptation measures where appropriate.

In the case of this site, the fact that the building exists and moreover the unique nature of the existing Listed Building limits the scope of potential measures that may be implemented without resulting in harm to the historic characteristics of the site.

Notwithstanding this, proposed restoration works to the fabric of the building, alongside the installation of secondary glazing will notably enhance the thermal characteristics and insulation of the site in a sensitive and appropriate manner. In addition, a condition to ensure compliance with Local Plan Policy FW3 with regards to water efficiency will be applied to any grant of permission.

Waste

Waste and recycling storage are to be appropriately accommodated within the site boundaries.

SUMMARY/CONCLUSION

For the reasons outlined above, Members are recommended to grant permission for the proposed works, subject to conditions.

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 '20.92_00.00 A' submitted on 21st April 2021, approved drawings

'20.92_10.06 A' submitted on 5th November 2021, '20.92_10.02 C', '20.92_10.03 D' submitted on 9th February 2022, and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029

3 The development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include timing of works, replacement roost details, monitoring and further survey if deemed necessary) has been completed in consultation with a suitably qualified bat worker and submitted to and approved in writing by the District Planning Authority. Such approved mitigation measures shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

4 No development shall commence until an Ecological Enhancement Scheme has been submitted and approved in writing by the Local Planning Authority. In discharging this condition, the LPA expect to see details of biodiversity enhancement features including bat and bird boxes including at least two swift nest boxes to be installed on the building. The works and ecological enhancement scheme shall thereafter be carried out in accordance with the approved details. **REASON:** In accordance with NPPF, ODPM Circular 2005/06 and Policy NE2 of the Warwick District Local Plan 2011-2029.

5 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. In discharging this condition, the Local Planning Authority expects lighting to be restricted in the roost location, along the site boundaries; 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:

- Lighting should be directed away from vegetated areas and the roost
- Lighting should be shielded to avoid spillage onto vegetated areas
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods.
- Connections to areas important for foraging should contain unlit stretches.

REASON: In accordance with NPPF, ODPM Circular 2005/06 and Policy NE2 of the Warwick District Local Plan 2011-2029.

6 The development hereby permitted shall not be occupied unless and until additional details of sound proofing that demonstrates an appropriate sound reduction performance in accordance with the submitted Noise Assessment Report prepared by Airtight & Noisecheck Limited (Ref. 18792, dated 7th October 2021) have been submitted to and approved in writing by the Local Planning Authority, and the sound proofing

measures have been completed in full accordance with the approved details. **REASON:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

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

Planning Committee: 29 March 2022

Item Number: 7

Application No: [W 21 / 1313](#)

Town/Parish Council: Baginton
Case Officer: Lucy Hammond
01926 456534 lucy.hammond@warwickdc.gov.uk

Registration Date: 08/07/21
Expiry Date: 02/09/21

Baginton School Site, Church Road, Baginton, CV8 3AR

Erection of 2no new dwellings incorporating associated landscaping and proposal of a new peace garden FOR D.F.J. Hewer Ltd

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of two dwellings with car parking on the site of the former Lucy Price School Site. The proposal also incorporates plans for a peace garden to the rear of the site.

THE SITE AND ITS LOCATION

The application site is now vacant, having been cleared of the former Sunday School building which occupied the site; this was a brick built flat roof building of little architectural merit.

The site is within the Baginton Conservation Area, adjacent to and within the setting of the Grade I listed St. John the Baptist Church. Other Grade II listed buildings lie in reasonable proximity of the application site (adjacent to the east as well as opposite).

Baginton is one of the District's Growth Villages identified in Local Plan Policy H1. The site also lies within the West Midlands Green Belt.

PLANNING HISTORY

W/20/2071 - Erection of 2no new dwellings incorporating its associated landscaping and proposal of a new peace garden following the demolition of former Sunday School building on the site - Withdrawn

W/20/0447 - Erection of 1no new dwelling incorporating its associated landscaping and proposal of a new peace garden after the demolition of former Sunday School building - Withdrawn

W/17/2347 - Erection of 2no. new dwellings and associated landscaping after demolition of former Sunday School building - Granted

W/17/0809 - Proposed demolition of existing school building and the erection of 2no. new dwellings, and associated landscaping - Refused

W/16/0606 - Demolition of existing former school building and erection of 2no. dwellings - Refused

While there are several records for similar development proposals which have either been refused or withdrawn it is worth noting that the two earlier refused decisions pre-date the adoption of the Local Plan which has since brought about material changes to the governing policies regarding new housing development. The more recent applications were withdrawn principally due to insufficient details having been submitted with the applications.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS18 - Green Belt
- H1 - Directing New Housing
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- CC1 - Planning for Climate Change Adaptation
- FW2 - Sustainable Urban Drainage
- HE1 - Protection of Statutory Heritage Assets
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Baginton and Bubbenhall Neighbourhood Plan 2018-2029
- G1 - Protecting and Enhancing Local Landscape Character
- G2 - Protecting and Enhancing Local Biodiversity, Wildlife and Habitats
- BAG3 - Protecting and Enhancing Baginton Village
- Guidance Documents
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Residential Design Guide (Supplementary Planning Document- May 2018)

SUMMARY OF REPRESENTATIONS

Baginton Parish Council: Support for the following reasons:-

- As a designated growth village infill developments of this nature are acceptable
- The above is on the condition that it is appropriate

WDC Conservation: No objection

Historic England: Initial concerns regarding the proposal however further to the receipt of amended plans HE offer no further comments and delegate to the Conservation Officer

WCC Highways: No objection subject to conditions and notes

Safer Communities, Health & Community protection (Environmental Health): No objection subject to conditions

WCC Ecology: No objection subject to conditions and notes

WCC Landscape: Neutral response; offering comments and recommendations with regard to planting

Public Response: 7 objections received raising the following concerns:

- The previous submission showed the houses set back from the road; this should be the same to preserve the views to the church
- The height of House B is excessive
- The development will be oppressive
- The proposed two storey buildings replace an historic single storey building and as such will obscure views of the church
- The proposed design of the two dwellings will be out of keeping with the street scene

Other non-material considerations were raised such as:

- There is no justification for the Peace Garden
- The future maintenance of the Peace Garden and potential mis-use of it

[Officer note - it is officers' opinion that some of the concerns expressed by residents have been addressed through the submission of amended plans which have, for example, revised the design of House B and reduced its overall height within the street scene.]

Response from Conservation Advisory Forum (CAF): Provided the following comments:-

- Lack of essential detail on boundary treatments and landscaping
- House B is taller than all other buildings in the street scene
- This makes the proposal incongruous in the street scene
- No second floor plan of House B

No details of materials

ASSESSMENT

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

- Principle of development including whether the development constitutes appropriate development in the Green Belt
- Impact on heritage assets
- Design and visual impact on the character of the surrounding area
- Impact on neighbouring/residential amenity
- Access and highway safety
- Landscaping
- Other matters

Principle of development

The principle of development is twofold; the principle of new housing in this location must be considered and also whether or not the development constitutes appropriate development in the Green Belt. Taking each turn:

Principle of new housing in this location

Policy H1 of the Local Plan sets out the locations within the district to where new housing will be directed. Although Baginton is one of the identified Growth Villages in the Local Plan, the site lies just outside (but adjacent to) the village boundary. To that end, H1(d) states that new housing will be permitted in the open countryside where:

- i. the site is adjacent to the boundary of the urban area or a growth village, and
- ii. there is an identified housing need to which the proposed development can contribute, and
- iii. the proposal is for a small scale development that will not have a negative impact on the character of the settlement and the capacity of infrastructure and services within the settlement, and
- iv. the proposal is within a reasonable safe walking distance of services (such as school and shop) or is within reasonable safe walking distance of a public transport interchange providing access by public transport to services, and
- v. the proposal will not adversely affect environmental assets (including areas of ecological value, areas of high landscape value and designated heritage assets) unless these can be suitably mitigated in line with other policies in the Plan.

The application site is located adjacent to the growth village envelope, the proposal would be for two dwellings which officers consider constitutes small scale development which would not negatively impact the character of the area and local infrastructure. Furthermore, the proposed development would not adversely affect environmental assets. The site is also located within a 5 minute walk of local shops and a bus stop, and therefore meets four of the five above criteria of Policy H1(d).

In the most recent Housing Needs Survey (2018) for Baginton, it was identified that there was a need for 6 homes (all 2 or 3 bed) which would be housing association rent or starter/shared ownership. Although the proposal would be for two market dwellings, officers have had regard to the fact that this proposal otherwise satisfies the criteria set out within H1(d) and would constitute a redevelopment of an existing building in a row of development adjoining the village boundary. Moreover, the specific point about housing need was not deemed to be an impediment to granting permission previously (in 2018) and this permission is a material consideration that weighs in favour of the proposal.

Whether the proposal constitutes appropriate development in the Green Belt

Policy DS18 of the Local Plan states that the Council will apply national planning policy to proposals in the Green Belt. Paragraph 149(g) of the NPPF states that one of the appropriate forms of development in the Green Belt will include limited infilling or the partial or complete redevelopment of previously developed land,

whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development.

The application site constitutes previously developed land and the cumulative scale of the proposed development insofar as the massing, footprint, heights etc are concerned would not, in officers' opinion, have a greater impact on the openness of the Green Belt than the building which previously occupied the site.

Accordingly, the proposal is considered to represent an appropriate form of development in the Green Belt and the submission of very special circumstances to outweigh the harm by definition is therefore not required. Officers are therefore satisfied that the development accords with Policy DS18 and para.149 of the NPPF.

Conclusion on principle of development

Having regard to all of the above, officers consider the principle of development accords with Policies DS18 and H1 of the Local Plan, as well as para.149 of the NPPF and the proposals are therefore acceptable subject to an assessment being made of the other relevant material planning considerations which are considered below.

Impact on heritage assets

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Policy HE1 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

Paragraph 199 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 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy BAG3 of the Baginton Neighbourhood Development Plan is relevant here, since it refers to the need for developments to respect and enhance their setting and the Conservation Area.

The site is within the setting of the adjacent Grade I listed church and as such Historic England were consulted. Through the course of the application amended plans have been received to address some initial concerns expressed by Historic England in respect of views toward (and from) the church together with the specific design approach of the two proposed dwellings. On receipt of final amendments, Historic England were content to delegate recommendations to the Council's Conservation Officer.

The revised proposals would result in the construction of 2no. one and a half storey properties, in a much more traditional design, in keeping with the neighbouring properties. They include architectural features such as arched window and door heads, reduced eaves heights and consequently ridge heights making the new buildings appear more consistent in the street scene, and the proposed materials have met the approval of the conservation officer though officers would still recommend final samples are submitted by condition to ensure the most appropriate finish in heritage terms.

The dwellings are considered to be sited in the optimum position within the site, relative to the road frontage, allowing some views both to and from the church which sits to the west side of the development. Sufficient information regarding the peace garden and boundary treatments have been submitted to satisfy officers that the development is now acceptable in heritage terms and would not be detrimental to the character and appearance of the conservation area. Further details of these aspects would be secured by condition.

In making this assessment, officers have had regard to the weight that should be given to the desirability of preserving the special interest and setting of the heritage assets. Overall, the proposals are considered to comply with Policy HE1 of the Local Plan as well as BAG3 of the Neighbourhood Plan.

Design and visual impact on the character of the surrounding area (including impact on the Green Belt)

Policy BE1 requires new development to positively contribute to the character and quality of its environment through good layout and design. This is further supported through the Residential Design Guide SPD (2018) which provides a framework through which additional design principles are set out to ensure that high quality design is promoted, sensitive to, and in keeping with the area in which it is located.

Policy BAG3 of the Baginton Neighbourhood Development Plan states that development proposals within the village envelope of Baginton, including small infill sites and extensions to existing properties, must be sited and designed sensitively so as to respect and enhance their setting and, where appropriate, the Conservation Area.

Following initial concerns expressed by officers regarding the design of the proposed dwellings as well as the general lack of architectural detailing, a series

of amendments have been made to the proposals which are now considered acceptable. The overall height of House B has been reduced quite substantially such that it is now a one and a half storey dwelling, to match House A. The resulting impact on the street scene therefore is positive given that the general design of the pair of new dwellings would be sympathetic to and in keeping with the general character of the surrounding area. The ridge height of House B has been reduced so that it sits slightly below that of the existing property adjacent to the eastern boundary. In modifying its overall scale and height this in turn has introduced sunken dormer windows to its front elevation, a further feature that echoes some of the design characteristics which prevail in the street scene.

Parking for one dwelling is to the rear, while for the other it is located to the side. This leaves the frontages open for soft landscaping which is considered preferable in visual amenity terms and also helps facilitate views from the east towards the church. Whilst details of boundary treatments and materials for the dwellings have been labelled on the latest plans it is recommended that a condition requires the submission of material samples as well as further landscaping details to include boundary treatments to ensure that the finished development has a positive impact on the street scene and wider surrounding area.

As set out in the principle of development section in respect of Green Belt policy, it is officers' opinion that the overall scale of development is not dissimilar to the former building which occupied the site. The footprint of the previous building was approximately 150 sq.m. while the combined footprint of the two new dwellings is 153 sq.m. The plan depth of the dwellings is however, less than the original building, by an average of 1.5 metres. The original building had a flat roof height of approximately 4m, while the eaves of the new dwellings would be the same, with a pitched roof taking it to a maximum height of 7m. Despite the additional height resulting from a pitched roof where the original building had a flat roof, officers consider that the broadly similar footprint coupled with the reduced plan depth and the set back of the new dwellings from the road results in a form of development which would cause no greater impact to the openness of the Green Belt.

For the above reasons the development is considered acceptable in this regard and as such accords with Policies BE1 and DS18.

Impact on neighbouring / residential amenity

Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents. At the same time, the policy also requires development to provide acceptable standards of amenity for all future users and occupiers of the development.

The two proposed dwellings would infill a gap in a row of other buildings (predominantly residential). Despite their proposed set back from the road, they would be positioned such that there is no opportunity for a breach of the 45° line to occur. While the usual distance separation between front elevations would be around 15m across roads, officers are mindful that the 12.5m distance that would exist between the new dwellings and the property opposite is more than the established distance separation was when the former building occupied the site and is also more than the distance separation between the properties to the east.

Officers consider that the proposal represents an improvement over the previous relationship between buildings and on balance, the 12.5m separation, albeit less than the standard 15m, is acceptable in this case.

The proposed gardens for House A and House B far exceed the standards for 3 and 4 bed homes, being over 100m² and 200m² respectively. Officers consider that the proposed dwellings would provide an appropriate standard of amenity for future occupiers and to that end the development is considered to accord with Policy BE3.

Access and parking / Highway safety

Policy TR1 requires development to provide safe, suitable and attractive access routes for all road users; including drivers of motor vehicles as well as cyclists, pedestrians and public transport users.

The Highways Authority requested additional information regarding visibility splays and turning space within the site. Following receipt of additional information and revised plans clearly showing the extent of the visibility splays necessary for this type of development, the Highway Authority has raised no objection to the proposals and recommended conditions to be attached to any forthcoming permission.

Policy TR3 requires development to make provision for parking which has regard to the location and accessibility of the site by means other than the private car, does not result in on-street car parking detrimental to highway safety; takes account of the parking needs of disabled car users, motorcyclists and cyclists; and takes account of the requirements of commercial vehicles. Moreover, development will be expected to comply with the parking stands set out in the most recent Parking SPD.

House A would provide 4-bed accommodation, while House B would provide 3-bed accommodation. Each property would provide the requisite amount of on-site parking, providing 3no. and 2no. spaces respectively. This complies with the adopted Parking Standards SPD and it is noted that the parking spaces satisfy the requisite dimensions required. The development is considered to accord with Policies TR1 and TR3 of the Local Plan as well as the adopted SPD.

Landscaping

The proposals incorporate a peace garden which would be located towards the rear of the site, behind House A. The intention is for the peace garden to essentially serve as a nominal extension to the adjacent churchyard which sits to the west of the application site and would be publicly open and available by all users.

Additional plans have been submitted with the application to illustrate the quantum and type of soft landscaping that is proposed in this area, in response to the comments of the County Landscape Officer. It is recommended however that final details of the soft landscaping are required by planning condition which will ensure the most appropriate species, planting densities etc are secured for this important area adjacent to and within the setting of the Grade I listed church.

Overall, the proposals are considered to comply with the provisions of Policy NE4.

Other matters

Ecology

No objections were raised by the County Ecologist subject to the imposition of conditions and advisory notes regarding groundworks, tree protection and lighting. The development is therefore considered to comply with Policy NE2.

Planning for climate change adaptation

Policy CC1 of the Local Plan requires all development to be designed to be resilient to and adapt to the future impacts of climate change through the inclusion of various measures, where appropriate, as set out within the policy.

In view of the scale of the development, appropriate measures here include the layout, building orientation and natural ventilation methods as well as water efficiency measures combined with the fact the development is in an area at low risk of flooding.

SUMMARY/CONCLUSION

The principle of development is considered acceptable having regard to the provisions of Policies H1 (provision of new housing) and DS18 (Green Belt) of the Local Plan, as well as paragraph 149 of the NPPF.

The plans for both dwellings have been revised a number of times throughout the course of the application to respond positively to the concerns raised from both heritage and landscaping points of view. The proposals are now considered acceptable in both of these regards and conditions can be imposed on any forthcoming permission to secure the final details with respect to materials and planting species.

The dwellings would provide appropriate standards of amenity for future occupiers and would not compromise the existing amenity of neighbouring properties. Parking on site for each dwelling accords with the adopted SPD and the proposals are also considered to comply with the Local Plan policies in respect of ecological matters and planning for climate change adaptation.

For these reasons, it is recommended that planning permission be granted to the conditions set out below.

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 LP-2020-000 and specification contained therein, submitted on

09 July 2021, approved drawing 20541-21 Rev.A and specification contained therein, submitted on 23 November 2021, approved drawing 20541-22 Rev.B and specification contained therein, submitted on 24 December 2021, approved drawing 20541-24 and specification contained therein, submitted on 08 February 2022 and approved drawings 20541-20 Rev.D and 20541-23 Rev.E and specification contained therein, submitted on 01 March 2022. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4
1. No development shall take place until
 - a) A desk-top study has been carried out that shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b) If identified as being necessary having completed the desk-top survey study, a site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
 - A risk assessment to be undertaken relating to human health
 - A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
 - An appropriate gas risk assessment to be undertaken
 - Refinement of the conceptual model
 - The development of a method statement detailing the remediation requirements
 - c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
 - d) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning

authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site.

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

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

- 5 The development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in

accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 6 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 District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 7 No part of the development hereby permitted, including site clearance, shall commence until a combined ecological and landscaping scheme has been submitted to and approved in writing by the Local Planning Authority (in consultation with WCC Ecological Services). The scheme must include all aspects of landscaping including details of native tree planting, installation of bird and bat boxes and any other biodiversity enhancements such as log piles and wild flower area. The agreed scheme to be fully implemented before/during development of the site as appropriate. **Reason:** In accordance with NPPF, ODPM Circular 2005/06
- 8 No part of the development hereby permitted, including ground clearance works, shall commence until a protected species method statement for nesting birds, amphibians and reptiles and hedgehog (to include timing of works, supervision of vegetation clearance/excavations and reasonable avoidance measures) has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development
- 9 No development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details. **Reason:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 10 The development shall not be occupied until visibility splays have been provided to the vehicular accesses to the site with an 'x' distance of 2.4 metres and 'y' distances to the near edge of the public highway carriageway of no less than 20 metres, in general accordance with Drawing Number 2054-21, Rev A. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029
- 11 The development hereby permitted shall not be occupied unless and until the accesses for vehicles, parking for 5 vehicles and a turning area for "House A" have been provided at the site in general accordance with Drawing Number 2054-21, Rev A. Thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** In the interests of highway safety and to ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3, TR1 and TR3 of the Warwick District Local Plan 2011-2029.
- 12 The accesses to the site for vehicles shall not be used in connection with the development until they have been surfaced with a bound material for their entirety as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029
- 13 Prior to the occupation of the dwellings hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.
- 14 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted. Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted . All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for

General Landscape Operations (excluding hard surfaces). **Reason:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

- 15 Prior to the occupation of the development hereby permitted, the two first floor windows in the east facing side elevation of House A, together with the two first floor windows in the west facing side elevation and the first floor window in the east facing side elevation of House B 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(s) shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
- 16 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.
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Planning Committee: 29 March 2022

Item Number: 8

Application No: [W 22 / 0225](#)

Town/Parish Council: Warwick

Case Officer:

George Whitehouse

01926 456553 george.whitehouse@warwickdc.gov.uk

Registration Date: 08/02/22

Expiry Date: 05/04/22

Westbury Court, 50 Coten End, Warwick, CV34 4NP

Replacement of existing windows and doors FOR Orty Design

This application is being presented to Committee as more than 5 or more letters of support have been received and it is recommended for refusal.

RECOMMENDATION

It is recommended Planning Committee refuse this application for the reasons set out in this report

DETAILS OF THE DEVELOPMENT

Replacement of existing timber windows with uPVC.

THE SITE AND ITS LOCATION

Westbury Court is a modern building sat within a prominent position within the Warwick Conservation area. The application site is also visible from St. Nicholas Park. The park is on the Local List of Heritage Assets.

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- HE3 - Locally Listed Historic Assets
- [Guidance Documents](#)
- Windows in Listed Buildings & Conservation Areas (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objection. Agree with the comments made by the conservation officer.

Conservation Officer: Objection due to harm to Locally Listed Building, Conservation Area and historic park.

Public Response: 19 letters of public support citing that upvc would be acceptable appearance-wise, improve building's energy consumption and that other dwellings in the immediate surrounding area have uPVC windows.

ASSESSMENT

Impact on heritage assets

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect conservation areas. These duties affect the weight to be given to the factors involved.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area [of any planning functions]...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Paragraph 199 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 202 states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy HE1 of the Warwick District Local Plan 2011-2029 states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

As per the Windows in Listed Buildings and Conservation Areas Supplementary Planning Document produced by WDC, uPVC windows are not supported within Conservation Areas. The use of double glazing is acceptable, as it is already in use and this is not a historic building, but the large concentration of plastic windows would cause unacceptable visual harm to the appearance of the building, and the significance of heritage assets, including the Conservation Area and the setting of St Nicholas Park (a Locally Listed Park).

The Council have no objection to replacement windows providing they are of an appropriate material.

The applicants have raised that there are other dwellings in the area which have uPVC windows. However, single dwellinghouses can change from timber to uPVC windows without planning permission under permitted development rights. These permitted development rights do not apply to flats. Where the Council has control

over window materials it must rely on its adopted policy which states that changes from timber to uPVC must be resisted within areas and on buildings which are historically important such as the application site.

The harm would be categorised as "less than substantial" for the purposes of paragraph 202 of the NPPF. However, there are no public benefits which outweigh the harm. The proposals are therefore contrary to Local Plan Policies HE1, HE3 and the Council's 'Windows in Listed Buildings and Conservation Areas' Supplementary Planning Document.

Summary

The proposals would result in unacceptable harm to the Conservation Area and the setting of the locally listed park and are contrary to Local Plan Policies HE1, HE3 and the Council's 'Windows in Listed Buildings and Conservation Areas' Supplementary Planning Document. It is therefore recommended planning permission is refused.

REFUSAL REASONS

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In addition, Local Plan Policy HE3 states development that would lead to the demolition or loss of significance of a locally listed historic asset will be assessed in relation to the scale of harm or loss and the significance of the asset and goes on to state that change to locally listed historic assets should be carried out using traditional detailing and using traditional materials.

In the opinion of the Local Planning Authority the proposed uPVC windows as a non traditional material would result in less than substantial harm to the significance of the conservation area and the local listed park.

No public benefits have been identified to outweigh this harm.

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

Planning Committee: 29 March 2022

Item Number: 9

Application No: TPO 571

Town/Parish Council: Warwick

Registration Date: N/A
Expiry Date: N/A

Case Officer: Gary Fisher

Nelson Club Car Park, Charles Street, Warwick, CV34 5LE
Confirmation of Provisional Tree Preservation Order
relating to two London Plane trees

This Tree Preservation Order (TPO) is being presented to Planning Committee because objections have been received to it being confirmed.

RECOMMENDATION

Planning Committee is recommended to authorise Officers to confirm TPO 571.

BACKGROUND

On 8 November 2021 the Local Planning Authority (LPA) received a notification to fell the two mature London Plane trees (ref: W/21/2052/TCA). The notification stated that the trees were large and causing a lot of shade over the tarmac car park. The notification also referred to the removal of the trees as a preventative measure to avoid damage to the tarmac, that had not yet occurred.

In the absence of sound and justified reasons for the removal of the trees, Officers have proceeded to protect the trees considered to be of amenity value by the serving of this Order.

ASSESSMENT

The two London Plane trees are attractive specimens of good vigour and of reasonable overall form and structure. T1 has a stem diameter of 600mm, T2 is slightly larger at 800mm diameter. The radial crown spread of both is up to 8m. T1 stands at approx. 15m tall, T2 is slightly taller at circa 16m tall.

The trees’ prominent public location means that they are both readily visible as a feature in the landscape from a wide range of public viewpoints, and so they provide both an individual and collective contribution toward the local amenity. The trees appear to be in good overall health with a retention span of at least 40 years.

The Council’s Arboricultural Consultant has assessed the trees for their TPO quality using the nationally recognised TEMPO method of assessment, and they scored 20; the TEMPO guidance is that where the score is 16 or more the making of a TPO is merited (if there are no other mitigating circumstances).

In summary the Council considers it expedient to make a provisional TPO under section 198 of the Town and Country Planning Act.

OBJECTIONS

The Council has received an objection to the making of the Order from The Nelson Club, and in summary the objections are:

1. The trees' canopies block lines of site for CCTV cameras.
2. The CCTV was installed to deter fly tipping and other anti-social behaviours.
3. The expanding tree roots have damaged the car park surface, and further progression of such damage would be costly to repair and may give rise to litigation should patrons' vehicles be damaged by the raised tarmac.

KEY ISSUES

The key issues to be addressed in deciding whether or not to confirm the Tree Preservation Order are whether the trees are of sufficient amenity value to justify a TPO, and whether the public benefit afforded by them outweighs the inconvenience that may arise from obscured camera angles or damage to the car park surface.

The effect of the TPO is to allow the Council a measure of control over work to a protected tree in order to protect the amenity value that it provides.

In response to the objections raised:

1. The trees are undoubtedly substantial, and their canopies of leaves should have been predicted to be a likely obstruction to CCTV lines of sight when the cameras were sited.
2. The failure of the cameras to deter anti-social behaviours is a reflection of the siting of the cameras rather than the growth of the trees' crowns and canopies. Moreover, the trees are out of leaf for several months of the year when the days are short and there might be an assumption that anti-social behaviours might increase and so their canopies would not obstruct the cameras during those months.
3. The photographic evidence of car park damage provided shows one expanding root locally lifting the tarmac, and whilst no scale is provided a reasonable interpretation of the photo would suggest that the deformation is minor.

SUMMARY/CONCLUSION

It is not considered that the issues raised in objection to the TPO are sufficient to outweigh the significant amenity contribution which the two trees make to the surrounding area and therefore it is considered expedient to confirm this TPO.