

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa, on Tuesday 13 August 2019 at 6.00pm.

Councillor Boad (Chairman)

Councillor Morris (Vice Chairman)

Councillor M Ashford

Councillor N Murphy

Councillor R Dickson

Councillor W Roberts

Councillor T Heath

Councillor S Sanghera

Councillor J Kennedy

Councillor J Weber

Councillor V Leigh-Hunt

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

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

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

3. Site Visits

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

4. **Minutes**

To confirm the minutes of the meeting held on 16 July 2019. **(Pages 1 to 32)**

Part B – Planning Applications

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

5. **W/02/1472 – Portobello Works, Emscote Road, Warwick** **(Pages 1 to 3)**
6. **W/19/0170 – Warwickshire County Council Depot and Former Ridgeway School, Montague Road, Warwick** **(Pages 1 to 33)**
Major Application
7. **W/19/0322 – Land on East Side of, Warwick Road, Kenilworth** **(Pages 1 to 18)**
8. **W/19/0559 – Hangar 5, Coventry Airport, Coventry Road, Baginton** **(Pages 1 to 9)**
Major Application
9. **W/19/0806- 14 Rugby Road, Weston-under-Wetherley** **(Pages 1 to 3)**
10. **W/19/0916 – Wood Corner Cottage, Honiley Road, Beausale** **(Pages 1 to 7)**
11. **W/19/0950 – 65 Home Farm Crescent, Whitnash** **(Pages 1 to 3)**
12. **W/19/0984 – Land to the north and south of the A45 (between Festival and Tollbar junctions) and land at the A45/Festival Roundabout, the A46/Tollbar Roundabout and at the junctions of the A444 with the A4114/Whitley Roundabout** **(Pages 1 to 24)**
13. **W/19/1007 – Land off Leam Street, Royal Leamington Spa** **(Pages 1 to 14)**

Part C – Other matters

14. **ACT 122/19 – The Master's House, Saltisford Road, Warwick** **(Pages 1 to 3)**
15. **Appeals Report** **(To follow)**

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.

- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8.45am to 5.15pm and Friday 8.45am to 4.45pm) or email committee@warwickdc.gov.uk any time after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

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

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

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

Details of all the Council's committees, councillors and agenda papers are available via our website www.warwickdc.gov.uk/committees

Please note that the majority of the meetings are held on the first floor of the Town Hall. If you feel that this may restrict you attending this meeting, please telephone (01926) 456114 prior to the meeting, so that we can assist you and make any necessary arrangements to help you to attend the meeting.

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

Planning Committee

Minutes of the meeting held on Tuesday 16 July 2019 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Boad (Chairman); Councillors Ashford, Cullinan, Day, B. Gifford, Heath, Kennedy, Leigh-Hunt, Roberts, Sanghera and Wright.

Also Present: Principal Committee Services Officer – Mrs Dury; Legal Advisor – Mrs Gutteridge; Head of Development Services – Mr Barber; Principal Planning Officer – Ms Obremski and Senior Planning Officer – Mr Young.

22. Apologies and Substitutes

- (a) There were no apologies for absence.
- (b) Councillor B Gifford substituted for Councillor R Dickson; Councillor Day substituted for Councillor Morris and Councillor Cullinan substituted for Councillor Weber.

23. Declarations of Interest

Minute Number 26 – W/19/0497 – Former Warwick Printing Co Ltd, land adj to Theatre Street and Bowling Green Street, Warwick

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

Councillor Cullinan declared an interest because she knew one of the objectors, but she felt she had an open mind on the application.

Minute Number 31 – W/19/0645 – Helen Ley Care Centre, Bericote Road, Blackdown, Royal Leamington Spa

The following Councillors declared an interest:

- Councillor Boad because the application site was in his Ward and because he had been contacted by a member of the public about this application, but he had not provided any advice to this person.
- Councillor Gifford because he had been contacted by a member of the public about this application, but he had not provided any advice to this person.
- Councillor Day because the applicant had contacted him but he had not provided any advice to this person. He also knew the architect.
- Councillor Wright because he had been contacted by a member of the public about this application, but he had not provided any advice to this person.

Councillor Leigh-Hunt arrived at the meeting after the minutes of the meeting had been approved. She declared an interest because her husband was a Trustee at the Helen Ley Care Centre. She left the room when the application was discussed.

PLANNING COMMITTEE MINUTES (Continued)

Minute Number 32 – W/15/0851 – Grove Farm, Harbury Lane, Bishop's Tachbrook

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

24. Site Visits

There were no site visits made.

25. Minutes

The minutes of the meeting held on 18 June 2019 were taken as read and signed by the Chairman as a correct record.

The Chairman announced that two applications had been withdrawn from the agenda:

- Item 7 – W/19/0170 – 401 Birmingham Road, Budbrooke. This had been withdrawn from the agenda because of ongoing discussions with Environmental Health Officers; and
- Item 15 – W/19/0785 – Wootton Lodge, Warwick Road, Leek Wootton. This had been withdrawn from the agenda because the objectors had withdrawn their objections which meant that the application could be determined under delegated powers.

(Councillor Leigh-Hunt arrived during this item.)

26. W/19/0497 – Former Warwick Printing Co Ltd, land adj to Theatre Street and Bowling Green Street, Warwick

The Committee considered an application from Waterloo Housing Group for the removal of Condition 13 (provision of off-street parking) of planning permission reference W/16/0496 (Demolition of the Warwick Printing Co. building and single storey building to Bowling Green Street and Market Street; erection of 39 apartments with associated parking and open space (revised application of W/14/0746, two no additional apartments).

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

The officer was of the opinion that the main planning considerations in determining this application had been set out and considered stating accordance with relevant Local Plan Policy. The application had also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there was not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

The application had sufficiently addressed how future occupants of the Print Works development would access car parking provision with the unilateral undertaking, providing measures to prevent adverse parking impacts in neighbouring areas. Therefore, there was not considered to be any material harm arising through the proposed variation in terms of highway safety or residential amenity.

PLANNING COMMITTEE MINUTES (Continued)

The application had addressed the main considerations and would accord with relevant policy. The proposal was therefore supported subject to the execution of the provisions contained within the unilateral undertaking.

An addendum circulated at the meeting advised that eight additional letters of objection had been received.

The following people addressed the Committee:

- Ms Blick, Mrs McGregor, Mr Martin and Warwickshire County Councillor, Councillor Holland, speaking against the application; and
- Ms Doolan, representing Waterloo Housing Group.

Members noted that the application had been granted with Condition 13 and there was not sufficient justification to now remove this condition.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Heath and seconded by Councillor Ashford that the application for the removal of Condition 13 should be refused.

The Committee therefore

Resolved that the application to remove condition 13 from decision W/19/0947 be **refused** because it does not comply with Policy TR3.

27. W/19/0691 – Land off, Arras Boulevard, Hampton Magna, Budbrooke

The Committee considered an application from Miller Homes Limited and Custodian of the King Henry VIII Trust for a residential development of 130 units including associated access, landscaping, open space and drainage infrastructure (resubmission of W/18/1331).

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

The officer was of the opinion that the development of this allocated site (H27) for the construction of 130 dwellings including a primary access off Arras Boulevard and an emergency access off Daly Avenue, together with the necessary infrastructure and associated works, (provision of open spaces and SUDs) was considered to be acceptable in principle in accordance with Local Plan Policy DS11. The provision of additional open space primarily for ecological enhancements beyond the boundary of the allocated site to the south, which itself was still within the West Midlands Green Belt, did not in itself constitute operational development, but for the purposes of assessing the impact on the Green Belt was considered to be appropriate and would not result in harm to the openness or conflict with the purposes of including land within it.

Based on the detailed layout of the development, which, in accordance with statutory consultees' advice had been subject to a number of amendments during the course of the application, officers were satisfied that the site

PLANNING COMMITTEE MINUTES (Continued)

could accommodate the proposed scale of development within a suitable layout which accorded with the relevant design principles and other supplementary guidance and which provided the required housing mix. The development would not result in demonstrable harm to the amenity of existing neighbouring dwellings, or the amenity of future occupants of the development itself.

No objections had been raised from a highway safety perspective and it was considered that the main access from Arras Boulevard together with the emergency access proposed off Daly Avenue were suitable and would result in no detriment to highway safety.

Ecological matters had been suitably addressed through modifications to the layout and the addition of the parcel of land to the south which was proposed for ecological enhancements and there were no objections in respect of landscaping, open space, drainage, environmental health concerns and archaeology.

A S.106 agreement would secure the necessary obligations and financial contributions to mitigate the impacts of the development and the content of the agreement had been determined in liaison with the relevant statutory consultees and agreed in principle by the applicant.

All relevant infrastructure needs had been considered within the context of other nearby large scale development sites.

It was recommended that planning permission should be approved subject to the conditions listed at the end of the report and subject to the necessary obligations and financial contributions to be secured in the S.106 agreement.

An addendum circulated at the meeting advised that representations had been received from Budbrooke Parish Council in objection to the application and a further six letters of objection had been received from neighbouring residents who had previously submitted comments in respect of the application. These provided additional information and elaborated on information already raised in previous representations.

Additional representations had been received from Warwickshire County Council Highways Department. Following the Inspector's recent decision to allow the appeal on the adjacent allocated site, further questions had been raised about the cumulative effect of development-related traffic. In view of the timescales of the appeal being considered and the revised scheme for the Arras Boulevard site being submitted, the Highways Authority had clarified that the cumulative effect had been properly and comprehensively assessed and additional traffic resulting from the Inspector's decision could be accommodated on the Highway Network. The current proposals were tested on the basis of 150 dwellings on the adjacent site (more than the permitted 147) and so this was considered to be a robust assessment.

In terms of the cycle link proposal, which would have been captured within the S.106 obligations, WCC Highways had been unable to confirm precisely what the financial contribution would be and no detailed justification had been provided to explain how the cycle link would be provided and for

PLANNING COMMITTEE MINUTES (Continued)

example, which route it would take. In light of the Inspector's decision on the adjacent site where he explicitly stated that the S.106 request in this regard was not fully justified or CIL compliant and as such was not included within the S.106 obligations, it was officers' opinion that the same applied to this site insofar as the request had not been substantiated with precise figures and justification. To that end, the request for monies to provide a cycle link was not considered to be CIL compliant and could not be included in the draft S.106 agreement.

In respect of Air Quality Mitigation and further to ongoing discussions with the Environmental Health Officer, the applicant had agreed to the inclusion in the S.106 of the financial contribution of £50,941 which would go towards the provision of appropriate mitigation measures in accordance with the adopted Air Quality & Planning SPD.

The addendum also gave details of additional conditions that should be imposed if permission was granted.

The following people addressed the Committee:

- Councillor Dutton, representing Budbrooke Parish Council which objected to the application;
- Mr Jackson-Clarke, who objected to the application; and
- Ms Thornton, a Planner who was working with the applicant.

Members were concerned that there was inadequate cycle provision and felt that responsible developers were acutely aware of the need for cycle links to be provided to support efforts in respect of the climate change emergency and would want to support these efforts.

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

The Committee therefore

Resolved that W/19/0691 be **granted** subject to a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to affordable housing, the provision of open space and SUDs, highways infrastructure and public transport, sustainable travel packs, health care, education, libraries, improvements to public rights of way, police, sport and leisure, air quality and biodiversity offsetting and provision for an obligation to provide a contribution to CIL compliant cycle routes to and from the development in accordance with Policy TR1.

The Section 106 Agreement is to include the financial contribution of £50,941 which would go towards the provision of appropriate air quality mitigation measures in accordance with the adopted Air Quality and Planning SPD.

PLANNING COMMITTEE MINUTES (Continued)

Authority is delegated to the Head of Development Services in liaison with the Chair of Planning Committee to finalise the terms of the Section 106 Agreement including any revisions to its terms and requirements.

Conditions:

- (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 the following approved drawings:

HM/POS/01 A – POS Areas Plan, HM/LP/01 – Land Use Plan, HTP/HM/01 Dec18 – House Type Pack Plan, 4B & 5B – Refuse Tracking Layout, 6B & 7B – Visibility Splays Layout, HM/PEA/01 – Emergency Access Plan, HM/LP/01 B – Location Plan, HM/PL/01 E – Detailed Planning Layout, HM/PL/02 E – Revision D/E Layout Comparison, HM/MAT/01 D – Materials Plan, HM/AFF/01 D – Affordable Housing Plan, HM/ECP/01 – External Charging Points Plan, 3C – Proposed Slab Levels, 8236-A-03 C – Tree Retention Plan, 8236-A-04 B & 8236-A-05 B – Tree Protection Plans, and specification contained therein, submitted on 26 April 2019;

8236-L-05 C, 8236-L-06 C, 8236-L-07 C & 8236-L-08 C – Soft Landscaping Plans On Plot, and specification contained therein, submitted on 30 April 2019;

8236-L-01 E & 8236-L-02 E – Soft Landscaping Plans POS, 8236-L-03 F & 8236-L-04 F – Hard Landscaping Plans, and specification contained therein, submitted on 18 June 2019;

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 part of the development hereby permitted shall commence unless and until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the

PLANNING COMMITTEE MINUTES (Continued)

local planning authority. The development shall be carried out in strict accordance with the approved details. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;

- (4) no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Include infiltration testing, in accordance with BRE Digest 365 Soakaway Design guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration Sustainable Drainage Systems (SuDS)
- Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual.
- a. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBAR runoff rates for all return periods.
- b. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- c. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.
- d. Provide a Maintenance Plan to the LPA giving details on how the entire surface

PLANNING COMMITTEE MINUTES (Continued)

water system shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas onsite (outside of individual plot boundaries) shall be provided to the LPA.

Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;

- (5) the development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: any temporary measures required to manage traffic during construction; plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction; dust management and suppression measures - level of mitigation determined using IAQM guidance; wheel washing; noise assessment and mitigation method statements for the construction activities - in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites Part 1 and 2; concrete crusher if required or alternative procedure; delivery times and site working hours; site lighting; access and protection arrangements around the site for pedestrians, cyclists and other road users; restrictions on burning and details of all temporary contractors buildings; plant and storage of materials associated with the development process; external safety and information signing notices; complaints procedures, including complaints response procedures and dedicated points of contact; and a scheme for recycling / disposing of waste resulting from demolition and construction works.

Best practicable means shall be employed at all times to control noise and dust on the site including:

- a. Work which is likely to give rise to noise

PLANNING COMMITTEE MINUTES (Continued)

nuisance be restricted to the following hours: Mon-Fri 07:30 - 17:00, Sat 07:30 - 13:00. No working Sundays or Bank Holidays.

- b. Delivery vehicles should not be allowed to arrive on site before 08:00 or after 16:30 Mon-Fri, 08:00 - 13:00 Sat and not on Sundays or Bank Holidays.

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

- (6) 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 on the **site boundary vegetation** and to be kept to a minimum at night across all open spaces 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
- 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: To ensure protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;

- (7) 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 birds, bats and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on

PLANNING COMMITTEE MINUTES (Continued)

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

- (8) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless and until a detailed and site-specific arboricultural method statement for the construction of Plots 50 and 51 (within the RPA of the retained tree T1) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. **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;
 - (9) notwithstanding the details submitted on approved drawings 8236-L-03 F & 8236-L-04 F, prior to the occupation of Plots 109-114 (inclusive) and Plots 1 and 9-11 (inclusive) further details of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and maintained as such thereafter. **Reason:** To safeguard the residential amenity of neighbouring residential properties in Curlieu Close and Clinton Avenue in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
 - (10) the hard and soft landscaping of the development hereby permitted shall be carried out strictly in accordance with approved drawings 8236-L-07C & 8236-L-08C, submitted on 30 April 2019 and 8236-L-01E & 8236-L-02E, 8236-L-03F & 8236-L-04F, submitted on 18 June 2019. 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
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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;

- (11) the arboricultural control measures that are described and illustrated in the Arboricultural Assessment from fpcr dated April 2019 (Rev.E), and the Tree Protection Plans 8236-A-04 B and 05 B should be fully implemented in a timely fashion and properly maintained throughout the duration of the development.

The integrity of the arboricultural control measures should be monitored by a competent arboriculturist throughout the development to ensure their compliance with the arboricultural assessment, and the reports submitted to the local planning authority for verification.

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;

- (12) the development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. **Reason:** In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029;

- (13) the development hereby permitted shall not be occupied unless and until the scheme of mitigation set out within the Noise Assessment report prepared by Wardell Armstrong and
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dated April 2019 (ref: GM10202 R.002 V0.1) has been implemented in full. The approved scheme of mitigation shall be retained in full thereafter. **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;

- (14) the development hereby permitted shall be carried out in full accordance with the recommendations of the approved remediation strategy (Travis Baker Geo-Environmental Ltd (dated 3rd April 2019, Revision 02). Upon completion of the works detailed in the remediation strategy 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 remediation strategy. Any 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.

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 as an addendum to the approved remediation strategy). Any addendum to the remediation strategy must detail how this unsuspected contamination shall be dealt with and shall be submitted to the local planning authority for written approval.

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

- (15) the development shall not be occupied until the vehicular access and emergency vehicular access into the application site have been provided, in accordance with Drawing Number HM/PL/01 Revision E (Detailed Planning Layout), and constructed to the standard specification of the Local Highway Authority, for land within the existing limits of the adopted public highway. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan

PLANNING COMMITTEE MINUTES (Continued)

2011-2029;

- (16) the development hereby permitted shall not be occupied unless and until the estate roads (including footways, verges and footpaths) serving it have been laid out and substantially constructed in accordance with the standard specification of the Highway Authority.

Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (17) no dwelling hereby permitted shall be occupied unless and until the car parking provision for that dwelling has been constructed or laid out, and made available for use by the occupants and / or visitors to the dwelling and thereafter those spaces shall be retained for parking purposes at all times. **Reason:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029;

- (18) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter.

Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;

- (19) 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

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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;

(20) a condition requiring obscure glazing for the first floor side facing windows of Plots 2, 16, 19, 23, 34, 41, 82, 86, 95, 123 and 128 to ensure appropriate amenity where properties share a rear to side relationship of less than 22m separation; and

(21) a condition requiring the removal of PD rights Part 2 Class A (fences, walls and other means of enclosure) to ensure the development retains its open frontage character.

28. W/18/2450 – Plot 310, Gallagher Way, Gallagher Business Park, Warwick

The Committee considered an application from Gallagher Developments for construction of a two-storey office building (use Class B1(a)), together with associated vehicle car parking spaces, landscaping and associated works with access from Macbeth Approach.

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

The officer was of the opinion that the main planning considerations in determining this application had been set out and considered stating accordance with relevant Local Plan Policy. The application had also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there was not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

The application had addressed the main considerations and would accord with relevant policy. The proposal was therefore supported.

An addendum circulated at the meeting advised that the applicant had submitted revised plans to address Condition 20 in the recommendation in the report, which imposed a restriction on windows to the west elevation to be permanently obscure glazed due to amenity impacts on the neighbouring property, Longacre.

The amendments showed the set of first floor windows nearest to the bungalow changed to "oriel" style windows (triangular in plan form), with

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the side angled towards the bungalow and private garden area being obscure glazed, and the side angled away from the bungalow and private garden area being clear glazed. This was considered to prevent amenity from being impacted upon to an equivalent degree as the originally imposed restriction.

As a result, condition 20 had been amended to require obscure glazing in accordance with the approved documents. Condition 2 (approved plans) had also been amended to reference the updated documents.

Condition 10 relating to net biodiversity loss had also been amended to reference condition 4 of the recommendation in the report (relating to landscaping) due a change in the order of the conditions.

The following people addressed the Committee:

- Mrs Gill, who objected to the application; and
- Mr Cook, a Planning Agent from Pegasus Group, speaking in support of the application.

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

The Committee therefore

Resolved that W/18/2450 be **granted** subject to the following conditions:

- (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 within the following approved drawings submitted on 31 December 2018, 30 April 2019 & 7 June 2019;

Site Plans

1. WCA-00-ZZ-DR-A-PL-900 Rev A - Location Plan
2. WCA-00-DR-A-PL902 Rev D - Proposed Site Plan

Building Drawings

3. WCA-00-DR-A-PL100 Rev - - GA 00 Ground Floor Plan
 4. WCA-00-DR-A-PL101 Rev B - GA 01 First Floor Plan
 5. WCA-00-DR-A-PL200 Rev C - North & South
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Elevations

6. WCA-00-DR-A-PL201 Rev D - East & West Elevations

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) notwithstanding details contained within the approved plans, prior to commencement of the development. Site level details to include:

- a) Existing site levels;
- b) Proposed site levels; and
- c) Proposed finished floor levels

Shall be submitted to and approved in writing by the Local Planning Authority. The dwellings shall subsequently be constructed in accordance with the approved levels.

Reason: To ensure that the development is delivered in accordance with the submitted documents in the interests of visual and residential amenity in accordance with Policy BE1 of Warwick District Local Plan 2011-2029;

- (4) 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

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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;

- (5) the development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;
- (6) prior to commencement of the development hereby approved, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development to:
 - a) Set out the details of surface water management on site;
 - b) Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753

PLANNING COMMITTEE MINUTES (Continued)

through the submission of plans and cross sections of all SuDS features;

c) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 1.2 l/s;

d) Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.

e) Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation and outfall arrangements.

Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

f) Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network;

g) Provide a program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full.

Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;

(7) no development shall commence until:

(a) a programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition has been undertaken in accordance with the document produced by RSK Environmental Ltd called "Land Off Gallagher Way, Heathcote, Warwick, Written Scheme of Investigation for Trial Trenching";

(b) a report detailing the results of this fieldwork have been submitted to and approved in writing by the Local Planning Authority; and

(c) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork

PLANNING COMMITTEE MINUTES (Continued)

proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The Archaeological Mitigation Strategy shall be implemented in strict accordance with the approved details.

Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

- (8) notwithstanding details contained within the approved plans, prior to commencement of the development hereby approved, details of the bellmouth to include;

a) Design and specification

Shall be submitted to and approved in writing by the Local Planning Authority. The bellmouth shall be constructed in accordance with the approved scheme prior to occupation of the building unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan;

- (9) notwithstanding details contained within the approved plans, prior to commencement of the development hereby approved, details of the bin store and substation to include;

a) Plans

b) Elevations; and

c) Materials

Shall be submitted to and approved in writing by the Local Planning Authority, the structures shall subsequently be implemented in accordance with the approved details.

Reason: To retain control over the external appearance of the development in the interests of visual amenity and in accordance with Policy

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BE1 of Warwick District Local Plan 2011-2029;

- (10) prior to commencement of the development hereby approved, the net biodiversity impact of the development shall have been measured in accordance with the DEFRA biodiversity offsetting metric as applied by Warwickshire County Council (WCC), in the area in which the site is situated at the time of determination. If the measures for on-site mitigation approved in accordance with Condition (4) of this decision notice are not sufficient to prevent a net biodiversity loss, details of biodiversity offsetting which shall include:

- a) Proposals for off-site offsetting measures;
- b) A methodology for the identification of any receptor site(s) for offsetting measures;
- c) The identification of any such receptor site(s);
- d) The provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery);
- e) A management and monitoring plan (to include for the provision and maintenance of any offsetting measures in perpetuity); and
- f) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The written approval of the Local Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme shall be implemented in full accordance with the approved details.

Reason: To ensure a net biodiversity gain in accordance with National Planning Policy Framework;

- (11) the development hereby permitted shall not be commenced unless and until a pre-assessment and design stage assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. The development shall not be occupied unless and until a completion stage assessment by an

PLANNING COMMITTEE MINUTES (Continued)

accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. **Reason:** To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029;

- (12) 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;

- (13) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;

- (14) noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured 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, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

Reason: To protect the amenities of occupants
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of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

- (15) in the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must then be undertaken and where remediation is necessary, a remediation scheme must be prepared, which shall all be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the local planning authority. **Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;

- (16) prior to occupation and use of the development hereby approved. Surface water maintenance details written in accordance with CIRIA C753 to include;

- a) How surface water systems shall be maintained and managed for the lifetime of the development;
- b) The name of the party responsible, including contact name and details.

Shall be submitted to and approved in writing by the Local Planning Authority. The surface water systems shall be maintained and managed in accordance with the approved details.

Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;

- (17) the development shall not be occupied until all parts of the existing access not included in the
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permitted means of access have been closed and the kerb, footway and verge have been reinstated in accordance with the standard specification of the Highway Authority.

Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan;

- (18) the development shall not be occupied until space has been provided within the site for the parking and loading/unloading of vehicles in accordance with submitted drawing WCA-00-RF-DR-A-PL900 rev D. The space shall be retained and maintained thereafter in accordance with the said drawing. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan;

- (19) the development hereby permitted shall not be occupied unless and until cycle parking facilities have been provided and made available for use in accordance with details that shall have been submitted to and approved in writing by the local planning authority. Thereafter those facilities shall remain available for use at all times. **Reason:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029;

- (20) prior to the occupation of the development hereby permitted, the windows in the west facing elevation that are annotated as obscure glazed on the approved drawings shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029;

- (21) a Travel Plan comprising the following details shall be submitted to and approved in writing by the District Planning Authority, in

PLANNING COMMITTEE MINUTES (Continued)

consultation with the Highway Authority, within three months of the date of the first occupation of the development hereby approved and should include the following:

- (i) a target for the proportion of employees who will travel by means other than single car occupancy;
- (ii) a strategy for achieving the target(s);
- (iii) a management programme;
- (iv) a process for monitoring the process towards achieving the target(s); and
- (v) measures should targets not be achieved.

Thereafter the use of the site shall operate in strict accordance with the approved Travel Plan, unless otherwise agreed in writing by the District Planning Authority, in consultation with the Highway Authority.

Reason: To satisfy the aims of the NPPF in reducing reliance on the use of private motor vehicles in order to promote sustainable transport choices to the site;

- (22) no materials, plant or equipment of any description including skips or containers, shall be stacked, stored or deposited on any open area of the site unless first agreed otherwise in writing by the District Planning Authority.

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;

- (23) the premises shall be used for B1(a) and B1(b) purposes and for no other purpose including any other purpose in Class B1 of Part B of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. **Reason:** Other uses within this Use Class may not be appropriate in these premises by reason of potential adverse impact on residential properties in proximity to the site, and to satisfy Policy BE3 of the Warwick District Local Plan 2011-2029; and

- (24) no lighting shall be fixed to the external walls or roof of the building hereby permitted, or on any open land within the application site without the written consent of the District Planning Authority. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies BE1

PLANNING COMMITTEE MINUTES (Continued)

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

(The meeting was adjourned for 20 minutes at 8.15pm.)

29. W/19/0404 – Wootton Grange Farm House, Warwick Road, Kenilworth

The Committee considered an application from Mr and Mrs Kane for the replacement of the existing 1.2-metre-high post and rail fence with two-metre-high acoustic timber fence along the front boundary.

The application was presented to Committee because it was recommended for refusal but Kenilworth Town Council supported it.

The officer was of the opinion that despite the reduction in proposed height, from 2.2m to 2m, the proposed boundary treatment represented inappropriate development within the Green Belt, which was harmful by definition and by reason of harm to openness, contrary to paragraph 133 of the NPPF. There had been no very special circumstances presented which were considered to outweigh this harm, including the residential development approved opposite. Furthermore, the proposed boundary treatment was considered to be harmful to the visual amenity and rural character of the area. The development therefore conflicted with Local Plan Policies BE1 and DS18.

An addendum circulated at the meeting advised that a letter of support had been submitted from Bovis, the developer of the adjacent housing scheme. The addendum also advised on what had been agreed in respect of removal of some self-seeded trees and that the applicant had agreed to any reasonable condition relating to additional landscaping or the colour of the fence. A note from the officer stated that whilst three trees within the hedge had been removed, the hedge itself and the remaining trees were proposed to be retained, and the proposed fence would be sited behind the hedge.

The following people addressed the Committee:

- Councillor Jones, representing Kenilworth Town Council, in support of the application; and
- Mr Kane, the applicant.

Members felt that there were very special circumstances in existence to outweigh the harm to the Green Belt. It was noted that the property was a listed building and that the ongoing development directly across the road could cause harm to the listed building. It was also noted that the only amenity space was at the front of the property and there was already a high wall at the front of a neighbouring property. Members discussed other ways the effects of noise and light from the development directly across the road could be mitigated and whilst planting might help to mitigate the light nuisance, it would not mitigate the noise.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was

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proposed by Councillor Kennedy and seconded by Councillor Gifford that the application should be granted.

The Committee therefore

Resolved that W/19/0404 be **granted** because very special circumstances exist that outweigh the harm to the Green Belt for the following reasons:

- (1) the protection of the listed building from harm associated with the development opposite;
- (2) the only amenity space is at the front of the house;
- (3) the access to the new development site is directly opposite the property; and
- (4) there is no alternative means of mitigating the impact of the new development.

Standard conditions to be applied, plus a condition for landscaping and planting around the fence and a condition relating to the colour of the fence.

30. W/19/0582 – 104 Clinton Lane, Kenilworth

The Committee considered a retrospective application from Mr McGowan for the formation of a new access and parking area to the front of the property.

The application was presented to Committee because an objection had been received from Kenilworth Town Council.

The officer was of the opinion that the access and driveway parking was considered to be in keeping with the character and appearance of the street scene.

Councillor Jones, representing Kenilworth Town Council's objection to the application, addressed the Committee.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Heath and seconded by Councillor Sanghera that the application should be granted.

The Committee therefore

Resolved that W/19/0582 be **granted** subject to the the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved site plan, and specification contained therein, submitted on 25th April 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in

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

31. W/19/0645 – Helen Ley Care Centre, Bericote Road, Blackdown, Royal Leamington Spa

The Committee considered an application from Mrs Bawden for a proposed single and two storey extension and internal alterations to the existing two storey wing.

The application was presented to Committee because it raised significant issues such that in the opinion of the Head of Development Services it would be prudent to refer the application to the Committee for a decision.

The officer was originally of the opinion that the site was situated within the Green Belt and the proposal represented a disproportionate addition based on the cumulative extensions to the building. The proposal therefore represented inappropriate development within the Green Belt that would have had a harmful impact on openness. It was not considered that very special circumstances had been demonstrated which outweighed the harm by definition and to the openness of the Green Belt as a result of the proposed development. The proposal was considered therefore to conflict with Local Plan policy DS18 and the NPPF. But in the intervening period between the agenda and report being published and the meeting taking place, more information had been provided, which was detailed in the addendum. This additional information reversed the officer's recommendation from one of refusal to one of approval.

An addendum circulated at the meeting advised that four additional letters of support had been received and gave details of why this was. The addendum also advised that additional supporting information had been provided by the applicant which covered:

- forecast of future demands on the site;
- evidence provided to highlight the current trends relating to Acquired Brain Injury / Traumatic Brain Injury; and
- why Lillington House (93 Lillington Road, Leamington Spa) could not be extended.

Officers had assessed the additional supporting information. It had been demonstrated that Helen Ley Care Centre was a unique case of an essential care provider, which had had increasing demands on its services. The evidence presented showed that advances in medical treatment meant that individuals were living longer, placing additional demands on care centres such as Helen Ley. The Centre provided a specialist level of care and the benefits of extending the site to provide additional bedrooms would provide significant public benefits which weighed heavily in favour of the application. The applicant had been able to demonstrate why extending their other centre, Lillington House, was not practicable and why ten bedrooms were required in terms of future proofing the site in terms of the predicted demands. It was therefore considered that on balance, under these specific circumstances, the public benefits of the scheme would outweigh the harm caused to the openness of the Green Belt and

PLANNING COMMITTEE MINUTES (Continued)

represented very special circumstances. The application was therefore recommended for approval.

Officers had contacted Old Milverton & Blackdown Parish Council to seek clarification over whether it would object to the proposal based on the new information (as they had no objection to the proposal, subject to the development not exceeding 30% of the original floor space of the building), however, the Parish Clerk informed Officers that "it is not possible for me to provide a definitive response in so short a time, so perhaps the application might be referred to the next Planning Committee meeting."

Members were also informed that a letter of support had been received from Rt Hon Jeremy Wright QC MP.

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

The Committee therefore

Resolved that W/19/0645 be **granted** subject to standard conditions.

32. W/15/0851 – Grove Farm, Harbury Lane, Bishop's Tachbrook

The Committee considered an application from AC Lloyd Limited for an outline planning application for a residential development for (approximately) 520 dwellings together with two new accesses onto Harbury Lane, land for Country Park, open space (including areas of formal and informal open space, allotments, structural landscaping and drainage works including surface water attenuation ponds as part of a Sustainable Drainage System), demolition of existing buildings, car parking and associated infrastructure.

The application was presented to Committee because it was to vary a previously agreed Section 106 Agreement.

The officer was of the opinion that the proposed changes to the Section 106 Agreement were considered to be in accordance with the Council's policies and served the planning purposes equally as well as the original version. It was therefore recommended that the Section 106 should be amended as requested.

Following consideration of the report and presentation, it was proposed by Councillor Day and seconded by Councillor Ashford that the supplemental agreement should be approved to ensure that the Original Agreement applied to the new planning permission with the additions to the Original Agreement in accordance with the recommendation in the report.

The Committee therefore

Resolved that W/15/0851, the supplemental agreement, be **approved** to ensure that the Original

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Agreement applies to the New Planning Permission and the following additions to the Original Agreement:

- (1) the definition of Application be added to so it includes reference to the application pursuant to section 73 of the Act to vary Condition 1 of the outline planning permission with reference number W/19/0340 dated 1 March 2019; and
- (2) the definition of Planning Permission be added to so that it includes reference to a permission granted pursuant to the application under section 73 of the Act to vary Condition 1 of planning permission W/17/0690 (Reserved matters application for the appearance, landscaping, layout and scale of 208 dwellings forming Phase 2c of the Oakley Grove Harbury Lane development, pursuant to previously approved outline application ref: W/15/0851) to allow the addition of 4no. units, thus increasing the total number of units in this phase from 208 to 212 and allocated reference number W/19/0340.

33. W/19/0649 – 17 Birches Lane, Kenilworth

The Committee considered an application from Mr Gowing for the erection of a two storey rear extension.

The application was presented to Committee because the applicant was closely related to a member of staff in the Council's Development Services Department.

The officer was of the opinion that the scheme was considered acceptable, having regard to the character of the street scene, the existing built form, and the impact on the amenity of neighbouring properties. Officers were also satisfied that the scheme would not result in harm to protected species.

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

The Committee therefore

Resolved that W/19/0649 be **granted** subject to the following conditions:

- (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);

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- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan received on the 17th April 2019, and approved drawings '8716-02' received 22nd May 2019, '8716-03', received 21st May 2019, '8716-05' received 04th June 2019, and the specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
- (3) 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.

34. W/19/0669 – Old Beams, Lapworth Street, Bushwood, Lowsonford

The Committee considered a part-retrospective application from Mr Jinks for excavation works to reduce ground levels by approximately 2.40 metres (from highest ground level on slope) together with an associated hard and soft landscaping scheme and formation of a dropped kerb to create a new access off the highway.

The application was presented to Committee because of the number of objections that had been received including one from Rowington Parish Council.

The officer was of the opinion that the scheme was considered acceptable having regard to the character of the local area and Lowsonford Conservation Area, the setting of nearby Listed Buildings, the impact on the amenity of neighbouring properties and the impact on highway safety. Officers were also satisfied that the scheme would not result in harm to protected species.

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

The Committee therefore

Resolved that W/19/0669 be **granted** subject to the following conditions:

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- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 10594(90) ALL-03D, and specification contained therein, submitted on 20th June 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (2) the bat and bird boxes shown on the approved drawings shall be installed in accordance with the approved details prior to the first use of the development hereby permitted and shall be retained and maintained as such at all times thereafter. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029; and
- (3) a condition requiring the submission of a detailed landscaping scheme that incorporates the reinstatement of the portion of the hedgerow that has been removed.

35. W/19/0804 – 401 Birmingham Road, Budbrooke

The Committee considered an application from Mr Eales for the erection of a hip to gable roof extension over a single storey rear room, the application of new render and to make good the existing render.

The application was presented to Committee because the applicant was closely related to a Warwick District Council employee.

The officer was of the opinion that the proposed alterations were considered appropriate development in the Green Belt that would not result in harm to the character and appearance of the street scene or the Canal Conservation Area, or residential amenity.

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

The Committee therefore

Resolved that W/19/0804 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section
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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) BR/02, BR/06, and specification contained therein, submitted on 15th May 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
- (3) all 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.

36. Planning Appeals Report

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

Resolved that the report be noted.

(The meeting ended at 9.55pm)

CHAIRMAN
13 August 2019

Application No: W/02/1472

Town/Parish Council: Warwick

Case Officer: Dan Charles

01926 456502 dan.charles@warwickdc.gov.uk

Portobello Works, Emscote Road, Warwick, CV34 5QU

Residential and Office Development; New road bridge across the River Avon
together with appropriate supporting infrastructure

For Clarion Housing Group

INTRODUCTION

This report relates to the above planning permission which was granted by Planning Committee in August 2004. That permission was subject to a Section 106 Agreement which imposed a range of obligations on the developer. This included a requirement for affordable housing. The applicant has requested that the provisions of the Section 106 agreement in relation to affordable housing are varied.

RECOMMENDATION

Planning Committee are recommended to resolve to vary the Section 106 agreement to allow changes to the affordable housing provision as requested by the applicant.

HISTORY

W/07/1029 - Erection of a two storey medical surgery with associated car parking area and detached three storey office building – **GRANTED 22.08.2007**

W/06/1665 - Application for approval of reserved matters for details (siting, design, external appearance, and means of access) of residential development for 59 dwellings and associated parking and refuse stores pursuant to outline planning application no. W/02/1472 – **GRANTED 15.01.2007**

W/06/0456 - Mixed use development including 2320 square metres (gross) B1 space, 13 No. Residential dwellings, car parking and access from Greville Road – **GRANTED 26.05.2006**

W/05/1258 - Application for Approval of Reserved Matters for erection of 251 dwellings (Outline Planning Permissions W02/1472 and W05/0376) – **GRANTED 26.05.2005**

W/05/0376 – Extension to existing residential site – **GRANTED 29.04.2005**

W/03/1966 - A new road, footpath and cycleway, a new bridge across river Avon linking Rock Mill Lane to former Portobello Works, and associated landscaping works and including Flood Compensation Works on land north of Emscote Road/Rugby Road, Warwick/Leamington Spa – **GRANTED 27.04.2004**

W/02/1472 - Residential development on about 3.3ha, 2323 sq.m. gross B1 office space, public open space (about 3.8ha), New road bridge across River Avon together with appropriate supporting infrastructure (including drainage, roads, paths and cycleways) and car parking – **GRANTED 12.08.2004**

DETAILS OF THE VARIATION

Following the acquisition and provision of 72 units for shared ownership purposes, the applicant has requested that the affordable housing provisions of the Section 106 Agreement be revised to omit the previously requested financial contribution of £150,000 towards the provision of two additional units of affordable housing within the District as opposed to their provision within the site as required by the agreement.

RELEVANT POLICIES

- National Planning Policy Framework
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- Affordable Housing (Supplementary Planning Document - January 2008)
- H2 – Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft - published April 2014)

ASSESSMENT

The main issue relevant to the consideration of this matter is whether the amended proposals would continue to enable the provision of an adequate amount and type of affordable housing, having regard to the Council's policies and national planning guidance.

Since the grant of planning permission, the development of the site has proceeded in a protracted manner which has included long periods when works have ceased and the development has remained part complete along with changes in ownership. Nevertheless, notwithstanding those difficulties, affordable housing has been provided as part of the wider development at the level agreed.

By mid-2013, there remained a requirement for two further three-bedroomed affordable homes. Whilst an affordable housing provider had expressed interest in those properties, they required revisions to the section 106 agreement in order to proceed.

However, at that point the wider development stalled such that negotiations over this element ceased. Subsequently, there was no further activity on the site for some two years until development recommenced in 2015.

In mid-2016, representatives of the developers made contact to discuss the remaining affordable housing and changes to the overall provision. In addition, there also remained the issue that the section 106 agreement would require variation.

Given the range of challenges and the length of time over which this matter had been outstanding, a commuted sum was agreed to be provided rather than insisting on the on-site provision. Following negotiations, a figure of £150,000 was agreed with the Housing Strategy & Development Officer.

At that time, the Housing Strategy and Development Manager considered that in the particular circumstances of this case and having carefully considered all options, the proposed contribution of £150,000 comprised the most effective solution to ensure that appropriate provision is made, albeit not within the application site itself in compliance with the Council's policies. This revision was secured through a variation to the existing S106 Agreement to reflect the requirement for the financial contribution.

In the intervening period following the agreement set out above, the applicants, Clarion Housing Group have acquired an additional 72 units on the development (Phase 1C, Plots 90-161) with the benefit of a Homes England Grant in February 2019. These units are to be provided as shared ownership properties in accordance with the definitions set out within the Section 106 Agreement. These properties were previously not identified as affordable housing units.

As a result of this acquisition, there is a significant net gain in the overall quantum of affordable units within the development as a whole. The level of affordable housing across the site exceeds the required level as set out within Council Policy.

In light of the greatly increased on-site provision, the proposal for a commuted sum of £150,000 towards the provision of off-site affordable housing is no longer required. This proposal therefore seeks to omit the required £150,000 contribution from the Section 106 Agreement.

SUMMARY / CONCLUSION

The acquisition and provision of an additional 72 units for shared ownership use, operated by a Registered Affordable Housing Provider provides a significant increase in the level of affordable housing on the development site. This increase in overall numbers negates the need for any off-site provision as previously sought.

The proposed changes to the affordable housing provisions of the Section 106 Agreement are considered to be in accordance with the Council's policies and it is therefore it is recommended that the Section 106 Agreement is amended to delete the requirement for a financial contribution of £150,000 as requested.

Application No: [W 19 / 0170](#)

Town/Parish Council: Warwick
Case Officer: Helena Obremski

Registration Date: 01/02/19

Expiry Date: 03/05/19

01926 456531 Helena.Obremski@warwickdc.gov.uk

**Warwickshire County Council Depot and Former Ridgeway School,
Montague Road, Warwick**

Application for full planning permission for the demolition of existing buildings and construction of 148 dwellings with associated open space, landscaping, internal roads, foot ways, cycle ways and retained access for ambulance station.
FOR Crest Nicholson (Midlands) plc

This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received, and because it is recommended that planning permission is granted subject to the completion of a legal agreement.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to health services, indoor and outdoor sports facilities, highway infrastructure improvements, education services, libraries, sustainable travel packs, provision of public open space, air quality mitigation, public rights of way, police services, biodiversity offsetting, improvements to the Grand Union Canal and affordable housing.

Planning Committee are also recommended to delegate authority to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test.

Should a satisfactory Section 106 Agreement not have been completed by 13 October 2019, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

This is a full planning application which seeks permission for the demolition of the existing buildings on the site and construction of 148 dwellings with

associated open space, landscaping, internal roads, foot ways, and cycle ways, with retained access for the existing ambulance station.

The scheme comprises of a mix of town houses, apartments, maisonettes and traditional family houses. The town houses will be three storeys with pitched roofs, and will be constructed along the southern edge of the site, facing the canal. The remaining housing will be a mix of two and two and a half storeys, and will include off-street parking and in some cases, garages. The apartment buildings will vary in height; adjacent to the Canal, they will be four storeys and the other apartment blocks will be three storeys.

The scheme includes a large area of open space, including a Local Equipped Area for Play (LEAP), which would act as a 'green link' connecting Montague Road with the Grand Union Canal towpath. This will provide a direct pedestrian and cycle route on to the towpath from Montague Road.

The applicant proposes two points of vehicular access from Montague Road, one to serve each 'section' of the development. Both accesses are existing: one served the former school, while the other serves the WCC depot. A dedicated pedestrian and cycle access will be provided from Coventry Road, allowing direct access to the town centre.

There have been the following amendments made to the proposals:

Design / Layout:

- the town houses and apartments are now arranged in a symmetrical pattern either side of the green link which bisects the site from north to south (this has necessitated a change to some of the house types that will form the town houses);
- in some cases, pairs of town houses now share one single, wide-gabled roof, to emphasise a sense of horizontal form;
- the proposed materials palette for buildings along the canal frontage has been revised to include brickwork and other detailing that is intended to be reflective of the Kate's Boat House building on the southern side of the canal and the industrial heritage of the area;
- increased distance between apartment blocks 5 / 6 and their opposing blocks 3 / 4 on the other side of the green link;
- amended house type proposed on plot 3, which, as a consequence of its design and layout means that there is now a side to side relationship with plot 6, rather than a front to side relationship as there was previously;
- an outcome of some of the above design changes (principally the amended siting of apartment blocks 5 and 6) is that the amount of open space provided on-site increases slightly;
- the distance separations have been increased to accord with the requirements of the Residential Design Guide;
- private amenity areas have been amended to accord with the requirements of the Residential Design Guide.

Highway Layout:

- the widths of internal roads have been reduced; those which were 6m are now 5.5m in width and those which were previously 5.5m are now 5m wide following advice received from WCC Highways.

Affordable Housing:

- The applicant has modified the proposed distribution of affordable housing throughout its scheme in response to the advice of Planning Officers to ensure an even distribution across the site. There is no change to the number of affordable housing units.

Housing Mix:

- The applicant has modified the mix of open market units. This has been done to ensure that the number of 3 bedroom market units is more closely aligned to the recommendations of the Coventry and Warwickshire Strategic Housing Market Assessment (SHMA), in accordance with the aims of Local Plan Policy H4.

The proposal has been updated so that it can be delivered in a phased approach, with two phases proposed, splitting the site into the "former school phase" to the west and "former WCC depot phase" to the east. The wording of the conditions have been amended accordingly.

THE SITE AND ITS LOCATION

The application site measures 3.5 hectares. It is bounded on its north-eastern side by Montague Road and on its south-eastern side by a range of buildings occupied by Class B 'employment' uses. To the south, the site adjoins the Grand Union Canal and on its western side is bounded by Coventry Road. The adjacent WMAS Ambulance Station does not form part of the application site.

The south-eastern part of the site contains a number of buildings and areas of hardstanding, which have been occupied by WCC for various employment uses, including offices, museum stores and the storage and maintenance of fleet vehicles. The western and north-western parts of the site contain buildings and grassed areas previously occupied by the Ridgeway School. It is understood that the school relocated from the site to alternative premises in 2010, since when the buildings have remained vacant. The whole application site is an allocated housing site. On the north-eastern and north-western side of Montague Road, adjacent to and opposite the site, are residential dwellings. In the wider area to the north, south (beyond the commercial uses) and west, the land use is predominantly residential.

There is a group of trees adjacent to the northern-most access into the site that are protected by a Tree Preservation Order. The boundary of the recently established Canal Conservation Area includes the south-western section of the site, which comprises the undeveloped land to the rear of the former Ridgeway School.

PLANNING HISTORY

The applications most relevant to the assessment of this application are:

W/03/1242 - planning permission refused for the proposed demolition of the existing buildings and redevelopment of the site to provide a mix of residential and employment uses.

W/05/0181 - planning permission granted for residential development, playing field, demolition of part of existing Depot Building and relocation of existing car park.

RELEVANT POLICIES

- National Planning Policy Framework
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)

- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- DM2 - Assessing Viability (Warwick District Local Plan 2011-2029)
- HS8 - Protecting Community Facilities (Warwick District Local Plan 2011-2029)
- Open Space (Supplementary Planning Document - June 2009)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objection:

- Traffic - impact on existing highway infrastructure, and lack of S106 contribution to improve highway infrastructure and air quality mitigation.
- Layout and design - there is a perimeter car park around the site with little regard for the promotion of a healthy balance of dwellings, parking and open space. Linkages to the canal and wider area via new pedestrian routes are welcome. The site has an unimaginative layout with dominance of cars.
- Amenity space - inadequate amenity areas are provided which do not accord with the Residential Design Guide requirements.

Councillor Tracey, Councillor Grainger and Councillor Jacques: Objection:

- Traffic - impact on existing highway infrastructure, and lack of S106 contribution to improve highway infrastructure and air quality mitigation.
- Layout and design - there is a perimeter car park around the site with little regard for the promotion of a healthy balance of dwellings, parking and open space. Linkages to the canal and wider area via new pedestrian routes are welcome. The site has an unimaginative layout with dominance of cars.

- Amenity space - inadequate amenity areas are provided which do not accord with the Residential Design Guide requirements.

Environmental Health: Objection relating to noise impact of nearby existing uses on the proposed development; recommends conditions and contribution of £75,078.63 towards mitigation on air quality.

Public Rights of Way: No objection.

WCC Ecology: No objection, subject to contribution of £139,466 towards biodiversity offsetting and conditions.

Warwickshire Police: No objection, subject to contribution of £32,599 towards improved police infrastructures, which consists of: £5,586 towards recruitment and equipping of officers and staff, £2,978 towards police vehicle maintenance and £24,035 for additional police staffing and office accommodation.

WCC Infrastructure: No objection, subject to contribution of £811,884 towards infrastructure improvements to include: £760,573 towards education, £32,500 towards bus stop enhancements, £4,472 towards public rights of way improvements, £3,239 towards improvements to libraries and £11,100 towards sustainable travel packs.

Acute and Community Health Services: No objection, subject to contribution of £197,743.62 towards the provision of additional services to meet patient demand.

Sports and Leisure: No objection, subject to contributions of £9,515 towards outdoor sports facilities, £13,844 towards outdoor grass pitches and £123,131 towards indoor sports facilities.

Open Space: No objection, subject to contribution of £264,420.52 towards provision of open space improvements.

Inland Waterways: Neutral, the proposed changes are much more acceptable than the original design. Pleased to see the increase in number of 3 bedroom properties and reduction in number of 4 bedroom properties. Concerns still raised relating to the road junctions and effects of traffic pollution.

Housing Strategy: No objection.

Tree Officer: No objection, subject to condition.

Warwickshire Fire and Rescue: No objection, subject to condition.

WCC Local Lead Flood Authority (LLFA): No objection, subject to conditions.

Canal and River Trust: No objection, subject to conditions.

Conservation Area Forum (CAF): Whilst supportive of the principle of the development, CAF considers that the proposal does not contribute towards the Canal Conservation Area and fails to preserve or enhance its appearance and character. The proposal is not reminiscent of canal side industrial architecture and greater connectivity is required between the proposed elevations and the canal, with more landscaping and larger gardens to reduce the sense of condensed urbanisation.

WCC Highways: No objection, subject to S106 contributions and conditions.

Public Responses: 35 Objections:

- overdevelopment of the site, the number of dwellings should be reduced;
- detrimental impact on the character of the area;
- the development has failed to consider the Canal Conservation Area;
- request to retain the "brick chimney" which forms part of the towns industrial heritage;
- improved landscaping required;
- highway infrastructure, traffic and parking: insufficient parking and reduction in road widths will lead to parking in nearby residential areas; increase in traffic and insufficient regard for highway and pedestrian safety implications; request for traffic calming measures and improved cycle routes; highway safety concerns regarding process, accesses and conflict with existing ambulance station; impact of construction traffic on existing residential roads; proposed access points are too close together;
- impact on neighbouring residential amenity (loss of light, privacy and outlook, noise disturbance, pollution / air quality);
- increase in surface water run-off to nearby properties;
- impact on wildlife & loss of trees.

Petition: 41 signatures: Objection:

- insufficient regard for the Conservation Area;
- highway safety and traffic: the proposal will add to existing traffic congestion; increase in air pollution; impact on neighbouring residential parking; impact of construction vehicles on nearby areas; inadequate and inappropriate access points provided; impact on highway and pedestrian safety;
- suggests number of units should be reduced and alternative access arrangements and highway infrastructure improvements;
- recognises positive elements of the scheme: green space; retention of most of the trees and additional planting; provision of 40% affordable housing.

2 Neutral: Concern regarding highway safety and traffic congestion.

ASSESSMENT

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

- the principle of the development;
- whether it is appropriate to permit more dwellings than the Local Plan allocation;

- the impact on the character and appearance of the surrounding area and conservation area;
- residential amenity;
- car parking and highway safety;
- landscaping and impact on trees;
- drainage and flood risk;
- ecological impact;
- mix of market housing;
- provision for affordable housing;
- section 106 contributions; and
- health and wellbeing.

Principle of the development

The site comprises employment land which would ordinarily be protected for employment use under Local Plan Policy EC3. However, this particular employment site has been allocated for housing by Local Plan Policy DS11. This is reflected in para. 3.33 of the explanatory text to Policy EC3, which notes that certain employment sites have been reallocated to residential use.

Furthermore, Local Plan Policy HS8 states that the redevelopment or change of use of community facilities that serve local needs will not be permitted unless certain criteria are met. However, as a result of the relocation of the educational establishment previously located at the site, the existing buildings are now redundant.

As that provision is now being met elsewhere as a result of that reorganisation, there has been no loss of a community facility at the site and in view of its residential allocation, the proposals are not considered to be contrary to that policy.

Therefore, residential development is considered to be acceptable in principle on this site.

Whether it is appropriate to permit more dwellings than the Local Plan allocation

This is an allocated housing site in the Local Plan. The Local Plan indicates that 140 dwellings would be an appropriate number of dwellings for the site, whereas the application is for 148, resulting in an overprovision of housing by 5.7%.

The explanatory text to Local Plan policy DS11 states that the sites were assessed against a number of criteria and an estimated figure for the number of dwellings for each site is shown. It also states that it is recognised that this figure may vary dependent on detailed planning at the application stage.

When considering the additional numbers above the allocation, Officers note that Strategic Policies DS2 and DS3 of the Local Plan seek to support the provision of homes that are required within the District as identified within the Objectively Assessed Housing Need. These policies also require development schemes to provide an appropriate level of affordable housing and a mix of new homes of all tenures.

The above policies are based upon the Government objective of significantly boosting housing supply. Furthermore, Policy DS6 identifies a minimum of 16,776 new dwellings during the local plan period of 2011 to 2029. Current rates of new development require the provision of 1,098 dwellings per year for the remaining Local Plan period until 2029.

Policy DS7 sets out the methodology for the provision of new housing over the plan period. The figures set out that the plan period has a significant number of site completions, extant permissions, existing commitments and new dwellings proposed through the sites that are allocated within the plan.

In addition to the identified sites, an additional 1010 dwellings have been earmarked within the Local Plan housing figures that would potentially come forward through windfall sites.

In essence, the additional 8 dwellings proposed on this site could be considered as a windfall insofar as they would be additional dwellings not identified within the allocation but capable of being satisfactorily assimilated onto the site which is located within a sustainable area. If the additional 8 dwellings were provided offsite as part of a small windfall development of less than 10 dwellings, there would be no requirement for the provision of 40% of the units to be affordable housing. This proposal therefore provides for an additional 3 affordable units, which might not otherwise have come forward.

The additional dwellings located on this site would not place undue pressure on local infrastructure. No objections have been raised from statutory consultees that the additional pressure would not be able to be mitigated for. Appropriate contributions have been sought to mitigate the additional households in terms of education and provision of healthcare etc.

Other benefits are capable of accruing as a result of the increased number of dwellings proposed relative to those estimated at the time of the allocation. Within the context of the Government objective to significantly boost housing supply, the provision of addition dwellings in a sustainable manner within a high quality development is considered to be a positive outcome which as set out above increases opportunities for the provision of affordable housing and a wider tenure mix in a manner which may not otherwise be the case and in accordance with the relevant policies to suit the housing requirements of a variety of people. Therefore, Officers consider that the site is located in a sustainable area and the additional 8 dwellings would not result in an overprovision that would be detrimental to the overall strategy of the plan.

Impact on the character and appearance of the surrounding area and conservation area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms

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

Part of the site is located within the recently adopted Canal Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) 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 193 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 196 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 Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the 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. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

The Town Council and Local Councillors are concerned that there is a perimeter car park around the site with little regard for the promotion of a healthy balance of dwellings, parking and open space. The Town Council however welcome the linkages to the canal and wider area via new pedestrian routes. Members of the public consider that the proposal represents overdevelopment of the site, and so the number of dwellings should be reduced. They also consider that the development would have a detrimental impact on the character of the area and that the proposal has failed to consider the Canal Conservation Area.

The existing site consists of a former school and WCC depot. The character of this length of the canal comprises of a mixture of late twentieth-century buildings and industrial structures opposite dating from between the late eighteenth to late nineteenth-century. The site and its setting has seen extensive industrial activity for just under 200 years, with the boat building business opposite the site forming the most visual clue and indication of the area's heritage. In addition,

the former Emscote Mills site to the east, a gelatin mill which was served by a canal wharf and where vessels would have loaded and unloaded goods, comprised of a substantial industrial site and some of these buildings remain, which is again highly reflective of the area's important industrial heritage.

Industrial architecture is characterised by prominent built form with consistent, horizontally running frontages and well-proportioned symmetrical window and door apertures, with features including arches, chimneys and wide gables.

In the wider setting, there are residential properties to the north and west of the application site. These are generally two storey detached and semi-detached properties, with driveways and rear amenity areas. There are a mixture of materials and designs of properties, meaning that there is no prevailing architectural character within the wider site context.

Whilst members of the public have raised concern regarding the loss of an existing tall chimney on the site, the Heritage Statement indicates that the chimney was constructed in the 1960s and has no historic interest. This has not been queried by the Conservation Officer.

Initially, Officers had concerns regarding the original proposed design of the dwellings fronting the canal. It was considered that the scheme appeared too domesticated due to the contemporary townhouses proposed along the canal side, which were considered at odds with the industrial character of the Conservation Area. Specifically, the continuous row of pitched roofs proposed either side of the apartment blocks and associated fenestration were at odds and contrasted with the prevailing character of the Conservation Area and were uncharacteristic of the industrial function of the Grand Union Canal and its purpose.

The amended design is considered to much better reflect the special architectural qualities of the Conservation Area, and the Conservation Officer now has no objection to the amended proposal. Indeed, the Canal and River Trust note the appropriate design represented in the amended scheme and state that, "the overall scale and form of the canal-facing houses is appropriate and reminiscent of the scale of traditional canalside warehouse development. The introduction of the apartment blocks flanking the central open space allows a break to the symmetry of the houses and provides interest and variety to the streetscene whilst the generous open space allows views to and from the canal. The high levels of passive surveillance created by the development should also assist in encouraging people to make use of the towpath." Officers agree with this interpretation of the scheme. Both the Canal and River Trust and the Conservation Officer identify that the use of appropriate and sensitive materials for the development is key. These details can be secured by a condition.

Furthermore, the Canal and River Trust also state that the removal of the existing hedgerow adjacent to the towpath offers an opportunity to secure a net biodiversity enhancement to the canal corridor through the proposed planting of a new higher quality hedgerow and trees as part of a comprehensive landscaping scheme for the site which can strengthen the role of the canal corridor as a green infrastructure asset and wildlife habitat. The Canal and River Trust confirm that

they are pleased to note that the group of mature trees adjacent to Coventry Road Bridge are to be retained and that further tree planting is proposed to be included along the canalside boundary and where the central open space adjoins the canal. They suggest that a condition is attached for the provision of a detailed landscaping plan, which has been included. As recognised by the Canal and River Trust, Officers consider that the proposal represents an opportunity to secure enhancements to the Canal Conservation Area, in terms of access, biodiversity, green space and design, which represent substantial benefits of the scheme.

The wider scheme is considered to sensitively respond to the character of the surrounding area, through the use of appropriate design and materials. The proposed dwellings and apartment blocks have been comprehensively designed to sit comfortably alongside the existing residential development and with each other.

The Town Council and Local Councillors consider that there is a perimeter car park around the site, however, Officers disagree with this suggestion. Across much of the site, parking is provided alongside the proposed dwellings or in small car parking areas to serve the apartment blocks which are positioned discretely away from the main highway. It is recognised however that there would be some areas where there was a prevalence of parking in front of the dwellings (rather to the side of the dwellings as preferred). For example, in the south western section of the site, there is a reasonable proportion of parking which would sit adjacent to the highway. However, it must be noted that this is a constrained part of the site where the proposed dwellings fronting the canal are required to have a dual aspect both facing towards the canal and highway in order to provide an appropriate design. In order to strike a balance between the most effective use of land and providing an appropriate form of design, it is considered that the proposed parking layout is acceptable and is not harmful to the character of the area.

As amended, the proposals are considered to represent a high quality design in this sensitive canalside location which will provide significant visual enhancements within the area and therefore accord with the NPPF and Local Plan Policies, BE1, HE1 and HE2.

Residential Amenity

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or visual intrusion. The Residential Design Guide provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of the nearest front or rear facing habitable room of a neighbouring property.

Members of the public have objected to the proposal owing to the impact on neighbouring residential amenity, including loss of light, privacy and outlook, noise disturbance and impact on air quality from increased levels of pollution.

Relationship to existing residential properties

The north-west / west of the site would border Montague Road. There are existing residential properties on the opposite side of the highway which would face towards the application site and proposed dwellings. The separation distance to those existing dwellings is at least 23m, which is considered sufficient across a public street. The Residential Design Guide allows a reduced front-to-front separation distance of 15m across public streets. The existing properties which face away from Coventry Road also achieve the required distance separation from the proposed development.

The north-western edge of the site sits next to existing properties which front Montague Road. The required distance separation from two storey to two storey residential development (rear elevations) would be 22 metres. In nearly all instances, the required distance is met, and it should be noted that the relationship is not direct owing to the angles of the properties. There is a "pinch point" at the rear of 83 Montague Road where Plot 1 is positioned, which is located on a corner plot. The distance between the side of the proposed dwelling and the rear of 83 Montague Road is 20 metres at the closest point (but 25 metres at the furthest point, exceeding the required distance separation). As Plot 1 is a corner plot which faces "side-on" to the main road, with windows serving habitable rooms to the side elevation, the impact of the side elevation should in this respect be treated as a "rear". Whilst the distance separation is, in part, slightly below that which is required, the properties do not directly face towards each other owing to the site layout and so the opportunities for overlooking are reduced. On balance, owing to the lack of direct relationship between the properties, the small underprovision of separation between the properties is not considered to be so harmful as to warrant the refusal of the application.

It is recognised that there is also another residential development which could come forwards, which would be opposite to the southern boundary of the application site (W/19/0067 - redevelopment of the former Tamlea Building along Nelson Lane to provide 31 affordable housing units). This is currently under consideration by Officers. In the event that planning permission was granted and the dwellings were built, the required distance separations would be achieved.

There are no 45 degree conflicts with any existing residential properties.

As an allocated housing site in an existing predominantly residential area, it is not considered that there would be an increased level of disturbance from the additional housing units which would warrant the refusal of the application. The disturbance caused during the construction works can be appropriately managed through the provision of a construction management plan which can control such matters, as recommended by Environmental Protection.

Environmental Protection have noted that there would be an impact on air quality as a result of the proposed development. The applicant has submitted an

updated air quality report which addresses their previous comments by agreeing to provide the required levels of air quality mitigation in accordance with the Council's relevant SPD. Environmental Protection note that the air quality mitigation measures will still need to be finalised and agreed with the Council, and therefore they recommend that Type 1 and Type 2 mitigation measures are secured by a planning condition which has been added. Examples of Types 1 and 2 mitigation are: electric vehicle charging points or green infrastructure and planting (type 1); and a monitored travel plan, measures to support public transport / cycling / walking infrastructure, or designated parking for low emission vehicles (type 2). In relation to Type 3 mitigation measures, the applicant has calculated damage costs to the value of £75,078.63. These should be secured by a Section 106 agreement to ensure that the damage costs are spent on air quality mitigation measures at the development site or as a contribution to air quality improvements in the nearby air quality management area affected by the proposed development.

Living conditions for the future occupiers of the dwellings:

The Town Council and Local Councillors have objected to the proposal as they consider that inadequate amenity areas are provided which do not accord with the Residential Design Guide requirements.

Private Amenity Areas / Light / Outlook / Privacy

The proposal has been amended to ensure that all of the proposed dwellings would benefit from the size of private amenity areas required by the Residential Design Guide. It should be noted that the sheds provided within some of the amenity areas have been included within the calculations for the garden sizes. The Residential Design Guide does not expressly stipulate that sheds should not be included within these calculations and it would be perfectly reasonable to anticipate that once a residential scheme was constructed, that the future occupiers would be likely to construct a shed / outbuilding under permitted development in any event.

It is noted that some of the apartment blocks do not have access to private amenity areas, rather they would front the public open space provided by the development, which has been increased to ensure provision of adequate space for the future residents. Owing to the high quality environment which is provided by the proposed development such as the immediate access to large areas of high quality public open space, and easy access to the canal, on balance, it is considered that the extent and nature of the open space provision within the wider scheme makes appropriate provision in that respect.

Concern was originally expressed by Officers relating to the internal distance separations between some of the housing on the site. The applicant has amended the scheme to improve the distance separations, and across the site, the required level of distance separations between the dwellings has now been achieved.

Noise Impacts from Nearby Existing Noise Sources - Kate's Boat Yard

The applicant provided a noise assessment in support of the application. Environmental Protection have concerns that the boat yard which is located on the opposite side of the canal to the application site could lead to noise disturbance for the future occupiers of some of the properties overlooking the canal. The applicant undertook additional monitoring of the boat yard and the activities which take place over the course of a week to establish the likely impact of this nearby use on the living conditions of the future occupiers of the canalside dwellings, which would be most affected. Activities such as 'grinding' and 'sanding' were observed during the monitoring period which took place for one 30 minute period on one weekday morning.

Environmental Health Officers then approached the boat yard to ascertain whether the noisy activity observed was typical of the noise generated at the site and what other likely impacts might occur. Environmental Health Officers were advised that other activities are carried out in the shed, such as the use of 'scalars' and 'scabblers', which Environmental Health consider may be louder than the sanding activities observed during the monitoring period. They have maintained their objection on the basis that the development would not provide adequate protection for the future occupiers against undue noise disturbance, and that the applicant had not developed a "worse case scenario" assessment. Environmental Health Officers suggest that there is a compatibility issue between the existing commercial and proposed residential use, the applicant should consider redesigning the scheme to reorientate or distance the residential properties away from the noise source.

Since these comments, the applicant has undertaken research and reviewed library data on the noises associated with scalars and scabblers and has found that scalars are typically quieter than angle grinders / sanders, although scabblers are typically slightly louder. The applicant has carried out an analysis of noise levels at these receptors using two scenarios: i) one which assumes activities are in accordance with what was observed at the attended surveys and from the quantitative noise modelling; and ii) another which assumes activities are in accordance with what was discussed between Environmental Health and the operator. The applicant has been advised by their noise consultant that properties facing the Canal should be fitted with thermal double glazing and mechanical ventilation systems, which will reduce the need for residents to open those windows.

The applicant's analysis of the boat shed activities concludes that, in the 'worst case' scenario (scenario "ii") rated noise levels would be more significantly beyond background noise levels at the front of Plots 102 to 106, on the balcony of plot 103 and on the balconies of apartments in Block 3. However, the applicant's analysis also shows that in the rear gardens of the aforementioned townhouses, rated noise levels will be beneath background levels (even in the worst case scenario). Furthermore, the applicant's analysis shows that, just inside the green link close to its connection with the Canal towpath, rated noise levels are beneath the background noise levels. It follows, in the view of the applicant, that further into the green link (and so where the distance to the boat

shed increases), the noise that would be heard from the boat shed would decrease further.

Acoustic glazing with mechanical ventilation can be installed to properties facing the Canal, which would be capable of achieving an internal noise level reduction of some 30dB. The additional technical note advises that, consequently, internal noise levels of the relevant plots would be significantly beneath the maximum acceptable noise level indicated in BS8223:2014. The applicant therefore considers that the residents of the townhouses would have access to quiet rear gardens; residents of the apartments would have access to quiet public amenity space and internal rooms where daytime noise levels would be well below the maximum stated in BS8233:2014; and internal noise levels in the townhouses would, logically, be even quieter at night (which the PPG indicates may be a more sensitive time of day) and at weekends when the boat shed would not be operational.

Noise Impacts from Nearby Existing Noise Sources - Petrol Filling Station

Environmental Health have also raised concerns regarding the impact of the noise generated by the petrol filling station to the north west of the site on the living conditions for the future occupiers of the development nearby. Environmental Health Officers requested that monitoring data was obtained to understand the likely impact of the petrol filling station.

However, the applicant has advised that monitoring from the petrol filling station has not been possible because the land is controlled by a third party and the applicant does not have a right of access over that land. The applicant has therefore taken a measurement from the closest point of the application site to that plant (i.e. at the rear of the petrol filling station kiosk building), which is representative of the likely noise environment for the future occupiers. The applicant states that given that noise levels in this part of the site will be beneath background noise levels, they conclude that there will be no effect on residential amenity.

Noise Impacts from Nearby Existing Noise Sources - Coventry Road

Environmental Health Officers raised concerns regarding the impact of noise from vehicular traffic noise along Coventry Road on the living conditions for some of the proposed dwellings. The applicant advises that the houses with gardens that back on to Coventry Road will include a 2m high acoustic fence as mitigation against traffic noise. The noise levels in the rear gardens of three of the properties (plots 45, 46 and 47) will be between 3 and 5 decibels above the 'guideline upper value' of 55dB that is set out in British Standard 8233:2014, which the applicant considers to be only very slightly above 55dB.

The applicant recognises that the noise levels in the gardens adjacent to Coventry Road exceed 55dB, but they only do so by a very small amount, and is limited to only three properties. The applicant suggests that the value of 55dB, taken from BS8233:2014 is a 'guideline' only. Moreover, there are no impacts on internal noise levels of those properties, and so residents will have access to

quiet internal spaces. The external noise level for the 3 properties in question is a consequence of the arrangement of those plots, which allows for the internal rooms of the dwellings to be kept away from the boundaries, and also facilitates the arrangement of the townhouses along the Canal frontage, which is a key design element of the scheme, and for the arrangement of the parking of Apartment Block 7 close to the boundary.

Noise Impacts - Conclusions

The applicant has demonstrated that the internal noise environment for the properties adjacent to the canal can be adequately protected from undue noise disturbance if suitable glazing and ventilation is provided, which can be secured by condition, and that the future occupiers could enjoy the main area of outdoor private amenity to the rear of the properties, without undue disruption. Officers recognise that some of the future occupiers of the canal fronting properties may experience some noise disruption from the adjacent boat yard on occasion. However, in any event, it is most likely that the balconies will be in use out of usual office hours and weekends, when the likelihood that such disturbance would occur is significantly reduced.

It is recognised that the external private amenity areas of three of the dwellings (plots 45, 46 and 47) would be impacted somewhat by the noise from Coventry Road, but that this would be at worst, a modest impact. The dwellings would have a satisfactory internal noise environment.

Conversely, redesigning the scheme in an attempt to overcome the concerns expressed by Environmental Health would mean the loss of a fundamental part of the scheme in terms of the specifically designed relationship between the proposed dwellings and the canal. Development which would "turn its back" on the canal, is highly likely to be inappropriate and harmful, which would not positively respond to the setting of the Conservation Area. As the number of units would also have to be reduced, this would also represent an ineffective use of land.

Therefore, on balance whilst Officers recognise that there would be some compromise in relation to the living conditions for the future occupiers of a small proportion of the dwellings, these are outweighed by the substantial benefits of this scheme which has been specifically designed with the site constraints in mind and to make the very best use of this canal-side location. The proposal provides a comprehensive redevelopment of an allocated housing site, with a large area of open space within the central portion of the site, allowing easy access for all. The site provides an unusual opportunity for residents to have direct access to the canal, with cycle routes and footways, which encourages healthy, sustainable lifestyles. The dwellings and apartments would all have good levels of privacy, outlook and light which meet the required standards. These benefits are considered to outweigh the limited harm identified. The proposal is therefore considered to be in accordance with Local Plan policy BE3.

Car parking and highway safety

Members of the public, the Town Council and Local Councillors raise the following concerns in relation to highway safety and car parking:

- the detrimental impact on existing highway infrastructure,
- a lack of S106 contribution to improve highway infrastructure,
- insufficient parking and a reduction in road widths will lead to parking in nearby residential areas,
- insufficient regard for highway and pedestrian safety implications,
- request for traffic calming measures and improved cycle routes,
- highway safety concerns regarding proposed accesses and conflict with the existing ambulance station,
- the impact of construction traffic on existing residential roads, and
- proposed access points are too close together.

Highway Infrastructure and Safety

WCC Highways have been consulted and state that they have fully assessed the modelling results provided by the applicant. They confirm that the methodology for the modelling is acceptable and identify that from results, issues on the network appear mostly in the AM peak, with increases in queue lengths and journey times on Spinney Hill and St Johns in both the 2023 and 2028 reference cases (with the development added). There are no significant differences in the PM peak when comparing with and without development. WCC Highways have requested that the development should make financial contributions to nearby highway and sustainable schemes in order to mitigate the impact of the proposal.

Officers have been advised that the required financial contribution would be £382,800 which would be put towards a capacity improvement scheme at the Spinney Hill/Coventry Road roundabout. The modelling results have confirmed that with mitigation, the impact on the surrounding Highway network, including that of the additional housing above the allocation, can be managed and is not severe. The requested contribution for the cycling scheme on Coventry Road and the requested improvements to bus infrastructure previously stipulated further improves the sustainable location of the development and reduces reliance on car based trips. WCC Highways therefore raise no objection to the proposed development on highway safety grounds.

Parking

Based on the Council's adopted Vehicle Parking Standards, the required parking provision for the development is 319 allocated spaces and 64 unallocated visitor spaces (a total of 383 spaces). However, the Vehicle Parking Standards state that lower standards are permitted where "*special circumstances can be demonstrated to justify a greater or lower provision.*" A total of 302 parking spaces are proposed, including 49 visitor spaces, which equates to 78% of provision required by the standards.

The applicant has provided an additional Technical Note in respect of parking and made alterations to the scheme layout as recommended by the Highway Authority. The potential parking demand associated with the residential element of the development was calculated using Census 2011 car ownership data. The

Census data was specifically taken from the 'North Warwick Ward' in which the application site is located and assessed the car ownership of existing residents. Based on the results of this assessment, the development of 148 flats and houses is likely to generate a demand for up to 184 vehicles at the average rate of 1.24 car per unit, which is actually lower than that which has been provided on site (253 allocated spaces).

Evidence presented within the submitted Transport Assessment demonstrates that the proposed provision would be sufficient to accommodate the parking demand generated by the site, and result in no adverse impact on the adjacent highway. Furthermore, the review of site accessibility by sustainable travel modes (provided in the Transport Assessment) demonstrates that the site is readily accessible by non-car travel modes to key-day-to day facilities and services. A key point of note is that WCC Highways identify that provision of parking exceeding the forecasted demand is likely to encourage higher car ownership and reduce the usage of sustainable travel modes that are readily accessible from the site. WCC Highways accept that this evidence is sufficient to meet the requirements of the Vehicle Parking Standards, in that the applicant has *"reasonably justified either higher or lower parking provision than set out in the standard based on available evidence."*

With the above mitigation, the Highway Authority considers that the proposal is compliant with paragraphs 108 and 110 of the revised NPPF, so therefore no objection under paragraph 109 can be sustained. WCC Highways conclude that they have no objection to the proposal, subject to the requested S106 contributions and a number of conditions and notes, which will be added.

For the above reasons it has been concluded that the proposals would have an acceptable impact on car parking and highway safety.

Landscaping and impact on trees

Members of the public consider that improved landscaping should be sought and express concerns regarding the loss of trees.

The Council's Tree Officer has assessed the application and states that the tree report submitted with the application is very thorough. The Tree Officer considers that it provides a good level of detail which will protect the retained trees from avoidable harm, both below- and above-ground, provided that they are fully implemented in a timely fashion and properly maintained and monitored throughout the duration of the development, which can be secured by condition.

There are 48 trees to be removed as part of the proposal, however, the tree removals required to facilitate the development on this allocated site focus on low quality internal components of the tree stock. The removal of two moderate quality Ash and one Norway Maple from the southern boundary with the Grand Union Canal is necessary to facilitate both the required levels changes to the site, and to provide the opportunity to create an improved high quality canalside frontage to the development. No trees afforded protection by a Tree Preservation Order are proposed to be removed.

The removal of nine category B trees, and low quality components to facilitate the redevelopment generates a requirement for replacement mitigation planting. Subsequently the application is accompanied by a scheme of landscape proposals which include a significant number of native and feature trees within areas of Public Open Space, alongside ornamental species appropriate to the proposed residential setting throughout the redevelopment and to provide a high quality frontage with the Grand Union Canal.

WCC Landscape have requested that a Landscape and Visual Assessment is made in support of the proposals. They also suggest that the canal should be tree lined and forms a special part of the public realm. WCC Landscape also suggest the retention of the chimney stack and existing trees. Whilst these comments are noted, ultimately, the application site forms part of an allocated housing site and some trees will need to be lost in order to facilitate the development. The applicant has been able to demonstrate that the trees to be removed are of low value and has provided replacement planting where necessary. As detailed above, the chimney stack does not hold historic architectural value and therefore it is not considered necessary to insist on its retention. It is considered that in this instance, a Landscape and Visual Assessment is not necessary and that further landscaping details could be adequately secured by condition.

The proposal is therefore considered to be in accordance with Local Plan policy NE4.

Drainage and flood risk

The application site is located within Flood Zone 1, with a low probability of flooding.

There have been objections from members of the public in relation to the increased risk of surface water flooding. However, there has been no objection from WCC Flood Risk Management, subject to conditions to require drainage details and a management plan.

The proposal is therefore considered to be in accordance with Local Plan policies FW1 and FW2.

Ecological impact

WCC Ecology have assessed the application and note that a potential Local Wildlife Site runs along the southern boundary of the site. They also note that bats and otters could be impacted as a result of the proposed development. WCC Ecology suggest that a condition requiring the provision of a construction environmental management plan is required to ensure that works will not detrimentally impact on the wildlife site, otters, bats, and other protected species. They also recommend a condition to secure an additional bat survey.

WCC Ecology recognise that there would be net biodiversity loss as a result of the scheme, however, this can be mitigated through an offsetting scheme, which

would be a financial contribution of £139,466 which can be secured through the Section 106 agreement.

WCC Ecology also recommended that the length of management of habitats on site by the applicant was increased from the suggested 5 years to at least 20 years. They suggested that annual site visits should be made by a suitably qualified ecologist to assess the condition of the habitats and make recommendations accordingly. The applicant has updated the landscape plan following consultation with WCC Ecology and Officers have received confirmation from the County Ecologist that they are satisfied with the updated landscape management plan.

WCC Ecology finally recommend that a lighting scheme is secured by condition.

The above conditions and recommendations are considered to be appropriate and reasonable. The proposal is considered to be in accordance with Local Plan policies NE1 and NE2.

Housing mix

Policy H4 of the Local Plan requires residential development to include a mix of market housing that contributes towards a balance of house types and sizes across the District in accordance with the latest SHMA and as summarised in the most recent guidance document 'Provision of a Mix of Housing' (June 2018), based on current and demographic trends, market trends and the needs of different groups in the community. This development provides:

Market Housing

Bedrooms	Total	% Proposed	WDC requirement	
1-bedroom	0	0%	5 - 10%	
2-bedroom	42	47%	25 - 30%	
3-bedroom	28	31%	41 - 45%	
4-bedroom	19	21%	30 - 35%	
Total	89	100%	100%	

Initially, the scheme proposed a higher proportion of 4 bedroom properties and fewer 3 bedroom properties. This was amended at the request of Officers to better reflect the requirements of the SHMA and Policy H4.

The differences in the table above are noted however Local Plan policy H4 states that in assessing the housing mix in residential schemes, the Council may take into account certain circumstances where it may not be appropriate to provide the full range of housing types and sizes in accordance with the latest SHMA, such as locational issues; for example highly accessible sites within or close to the town centre where larger homes and low / medium densities may not be

appropriate. The applicant proposes that as the site is in a highly accessible location, the above housing mix would meet with this exception.

Officers agree that the application site is located within a highly sustainable location, and that it is important to ensure the most efficient use of land. It is therefore reasonable to accept a greater proportion of smaller units in this instance, which is represented by the higher percentage of two and three bedroom units and lower percentage of four bedroom units. The under provision of one bedroom units is recognised, however, these would have represented a very small provision of dwellings (approximately 6 units) and on balance, the mix is generally considered to be acceptable.

Affordable Housing

Local Plan policy H2 requires a minimum of 40% affordable housing on sites of eleven or more dwellings.

The proposed affordable housing mix for this development is as follows:

Bedrooms	Total
1-bedroom	10
2-bedroom	30
3-bedroom	16
4-bedroom	3
Total	59

The housing mix is broadly aligned with the recommendations of the SHMA, although the proportion of 2 bedroom units to be provided is greater, and the proportion of 1 bedroom units is slightly beneath the guidance. The applicant advises that this is driven by where the greatest market demand lies.

The Affordable Housing Supplementary Planning Document (WDC, January 2008) (SPD) gives further guidance and information on the provision and standards required for affordable housing within the District. The 40% requirement would mean a provision of 59 affordable dwellings. The application includes an Affordable Housing Statement which confirms that the proposed development offers the full 40% affordable housing provision. The layout plan illustrates how the affordable housing would be distributed across the site, and as amended, the distribution of affordable housing is considered to be acceptable.

In terms of the tenure, the Council's Housing Strategy and Development Manager considers that it has been demonstrated that there are difficult constraints with the site – evident in the fact that an unusually high proportion of the market homes are being delivered as flats – which justifies that some flexibility is required around the affordable housing tenure mix to enable the full 40% to be delivered. This is particularly so given that the site is allocated for housing in the current Local Plan. The proposed affordable housing tenure mix (36% social rented, 37% affordable rented and 27% shared ownership) is

therefore considered to be acceptable and the proposed development is considered to be in accordance with Local Plan policy H2.

Section 106 contributions

The proposed development of 148 dwellings would create additional demand for local services and to mitigate this, contributions towards community facilities would be required.

Negotiations into the levels of contributions are still ongoing and must be resolved to the satisfaction of the Local Planning Authority before a decision can be issued.

Having considered the available evidence, the contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 148 dwellings on this site would have a material impact on or need for affordable housing, education, open space, health care, sports facilities, monitoring costs, and rights of way, employment/training for locals and highway matters.

This is a particular issue given the cumulative impact that is expected from the substantial level of housing growth proposed across the District. It is reasonable to expect a development of this size to contribute towards the additional costs associated with meeting these increased demands. The relevant consultees are currently seeking to identify specific projects and locations where this money would be spent. Therefore it is considered that appropriate contributions are necessary to make the development acceptable in planning terms and subject to being directly related to the development, are fairly and reasonably related in scale and kind to the development (as required by Regulation 122).

The necessary contributions identified would be secured through an appropriate Section 106 Legal Agreement. At the time of writing, the following requests have been received;

- Acute and Community Health Services – £197,743.62
- Outdoor sports facilities – £9,515; Outdoor Grass Pitches: £13,844
- Indoor sports facilities – £123,131
- Highway infrastructure – £32,500 (bus stop enhancements) + £150,000 (cycling enhancements) + WCC Highways £382,800 (capacity improvement scheme at Spinney Hill/Coventry Road roundabout)
- Education – £760,573
- Libraries – £3,239
- Sustainable travel packs – £11,100
- Warwickshire Police - £32,599
- Public open space – £264,420.52 and provision and future management of on-site open space
- Air quality mitigation - £75,078.63
- Public rights of way – £4,472
- Biodiversity offsetting payment – £139,466
- Improved Access to the Grand Union Canal - figure TBC.

- Affordable housing – 40%, of which 36% should be social rented, 37% affordable rented and 27% shared ownership
- Monitoring fee - £30,000 or 1% of the total contributions (whichever is the lesser).

Any additional requests or amendments to the list above will be reported on the update sheet.

Health and wellbeing

The proposals would provide housing to meet the housing needs of the District, including an element of affordable housing for people in housing need. This is a benefit that contributes to health and well-being. Additionally, the provision of open space would be seen as a positive benefit that adds to the effective layout of the scheme and provides an enhanced environment in which to live for future occupiers.

Other matters

A condition is recommended to require a contamination assessment, in accordance with the comments of Environmental Protection. This will provide adequate control over any potential contamination issues.

Waste Management have no objection to the waste and recycling storage and collection measures proposed.

The Canal and River Trust have no objection to the proposed development, and have requested a number of conditions and notes be attached to any approval granted to ensure that works would not have a detrimental impact on the Grand Union Canal. These have been added. The Canal and River Trust have also requested financial contributions for improved signage and wayfinding, and localised improvements to the towpath which have been included above.

SUMMARY / CONCLUSION

The redevelopment of this site for residential purposes is in accordance with the allocation of the site for housing by Local Plan Policy DS11 and is therefore acceptable in principle. There are substantial public benefits which would be secured by the scheme, such as the provision of a high quality major residential development of 148 dwellings, which contributes towards the Council's housing stock, including the provision of 59 affordable housing units. The proposal has been designed in conjunction with Officers to provide a sensitive form of development which responds well to the setting of the Canal Conservation Area and wider site context. The proposed development is considered to enhance the setting of the Conservation Area and also provide more opportunities for members of the public to enjoy the canal. Furthermore, the proposed development provides a high quality area of public open space which is appropriately positioned in the central portion of the site to be effectively accessed by all, delivering a 'green link' which allows not only future residents, but also wider members of the public easy access to the canal.

The proposals are also considered to be acceptable in terms of car parking, highway safety, drainage / flood risk and ecological impact. The proposed market and affordable housing mix is considered to be acceptable, given the location of the site in a highly sustainable location. The 8 additional dwellings above to Local Plan allocation would not place undue pressure on local infrastructure and the proposed section 106 contributions will satisfactorily mitigate the impact on local services.

As stated above, it is recognised that garden areas of a small number of the proposed dwellings may be compromised slightly by noise from Coventry Road. However, owing to the significant public benefits which the scheme would bring and limited degree by which the future occupiers are likely to be affected, on balance, the benefits are considered to significantly outweigh the limited degree of harm caused.

Therefore it is recommended that planning permission is granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 8651 PL51 A (Apartment Block 8) submitted on 1st February 2019, and amended drawings:

General: 8651 PL 25 B (garages), 8651 PL 27 B (bins and cycle storage), 8651 PL 28 (bins and cycle storage), 172977_A_06 Rev A (visibility splay north access), 172977_A_07 Rev A (visibility splay south access), 7418-300 Rev 04 (sections), submitted on 13th June 2019, and 8651 PL 26 C (garages), 8651 PL 03 G (site layout), 8651 PL08 D (phasing plan), 8651 PL 05 F (materials), 8651 PL 06 F (affordable housing), 8651 PL 20 E (cross sections), 8651 PL 23 E (street elevations), 8651 PL 22 E (canal frontage), 8651 PL 04 F (boundaries) and 8651 PL 07 F (heights), submitted on 26th July 2019.

House Types: 8651 PL 30 B (Hartley), 8651 PL 31 A (Huntington T2), 8651 PL 32 A (Huntington T1), 8651 PL 33 A (Halstead), 8651 PL 34 B (T3), 8651 PL 35 B (T3A), 8651 PL 36 A (Calder), 8651 PL 37 A (Caldwick), 8651 PL 38 A (AH3B), 8651 PL 39 A (AH4B), 8651 PL 40 B (Maisonette), 8651 PL 41 A (Somerton), 8651 PL 42 A (Chalgrove), 8651 PL 43 C (Apartment Block 1), 8651 PL 44 A (Apartment Block 2), 8651 PL 45 A (Apartment Block 3 & 6), 8651 PL 46 B (Apartment Block 3 & 6), 8651 PL 47 B (Apartment Block 4), 8651 PL 48 A (Apartment Block 5), 8651 PL 49 A (Apartment Block 7), 8651 PL 50 A (Apartment

Block 7), 8651 PL 52 B (H3A), submitted on 13th June 2019,

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 (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 4 No phase of development hereby permitted, including site clearance work, shall commence until a Construction Environmental Management Plan for that phase 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 hedgehogs, bats, reptiles and amphibians, breeding birds and otters 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 safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 5 No phase of development (including any works of demolition) shall be undertaken unless and until a construction management plan for that phase has been submitted to and approved in writing by the District Planning Authority. The construction management plan shall include details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. All works of demolition or construction shall be carried out in strict accordance with the approved construction management plan. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

- 6 No development shall take place on Plots 47-55 and Plots 102-110 inclusive or apartment blocks 3 and 6 until a Method Statement detailing the design and means of construction of the foundations of the buildings to be constructed on these plots, together with any other proposed earthmoving and excavation works required in connection with their construction, has been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify and incorporate any measures such as vibration monitoring, to ensure that the risk of adversely affecting the stability of the adjacent Grand Union Canal or towpath is appropriately minimised. The development shall thereafter only be carried out in accordance with the agreed Method Statement. **REASON:** In the interests of avoiding the risk of creating land instability arising for any adverse impacts from foundation construction, earthmoving, excavations or other construction operations which could adversely affect the structural integrity of the adjacent Grand Union Canal in accordance with the advice and guidance on land stability contained in paragraphs 170 and 178 of the NPPF and the NPPG.
- 7 No phase of development (excluding demolition) shall take place until a detailed surface water drainage scheme for the site (or that phase), based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include the following information:
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SuDS features.
 - Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 140 l/s for the whole site.
 - Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
 - Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year and 1 in 100 year plus climate change return periods.
 - Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.

REASON: To prevent the increased risk of flooding; to improve and

protect water quality; and to improve habitat and amenity in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

8 No phase of development excluding works of demolition shall take place until:

a) A desk-top study has been carried out for the phase 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.

- 9 No dwelling on each phase of development hereby permitted shall be occupied until details of all external light fittings and external light columns for that phase 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 on the southern side of the site and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. No lighting shall be installed other than in strict accordance with the scheme approved under this condition. The lighting shall be maintained and operated in strict accordance with the approved scheme at all times thereafter.

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

- 10 Notwithstanding the finished floor levels details submitted, no development above ground level in each phase shall take place until details of the finished floor levels of all buildings, together with details of existing and proposed site levels for each phase on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **REASON:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 11 No dwelling on a phase of development shall be occupied unless and until a hard and soft landscaping scheme for that phase 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.

- 12 No dwelling on each phase of development shall be occupied until the further written approval of the Local Planning Authority has been obtained for the design of the estate roads layout serving the development [including footways, cycleways, verges, footpaths, private drives and means of accessing individual plots]. These details shall include large scale plans and sections showing the layout, vertical alignment, and surface water drainage details including the outfall. **REASON:** To ensure the protection of highway safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.
- 13 No development shall be carried out above slab level on Plots 47-55 and Plots 102-110 unless and until large scale details of the doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods, and the proposed boundary railings at a scale of 1:5 (including details of materials) of those Plots have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029.
- 14 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.

- 15 No dwelling shall be occupied until the estate roads [including footways and cycleways] serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority. **REASON:** To ensure the protection of highway and pedestrian safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.
- 16 No phase of development shall be occupied until the bellmouth for the vehicular access to that phase has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority. **REASON:** To ensure the protection of highway and pedestrian safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.
- 17 No phase of development hereby permitted shall be occupied until a scheme for the provision of adequate water supplies and fire hydrants for that phase necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any dwelling to the satisfaction of the Local Planning Authority. **REASON:** In the interests of Public Safety from fire and the protection of Emergency Fire Fighters.
- 18 No occupation and subsequent use of the development shall take place until a detailed maintenance plan, written in accordance with CIRIA C753, is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details, shall be provided to the LPA and LLFA within the maintenance plan. **REASON:** To ensure the future maintenance of the sustainable drainage structures in accordance with policy FW2 of the Warwick District Council Local Plan 2011 - 2029.
- 19 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the Arboricultural Impact Assessment reference 9509_AIA.0001 Rev A from Aspect Arboriculture Limited have been put into place in full, and thereafter remain in place for the full duration of any such work. In addition, unless specifically referred to in the Arboricultural Impact Assessment, within 10 metres of the nearest point of the canopy of any protected tree(s) no excavations, site works, trenches or channels shall be cut or pipes or services laid, nor shall any fires be lit; no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works

carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

- 20 No dwelling hereby permitted shall be occupied unless and until the car parking provision for that dwelling has been constructed or laid out, and made available for use by the occupants and / or visitors to the dwelling and thereafter those spaces shall be retained for parking purposes at all times. **REASON:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029.
- 21 None of the apartments hereby permitted shall be occupied until the bin and cycle store for that apartment have been provided and made available for use in accordance with the details on the approved plans and thereafter those facilities shall remain available for use at all times. **REASON:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies BE1, TR1 and TR3 of the Warwick District Local Plan 2011-2029.
- 22 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 23 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.

- 24 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected within the curtilage of any dwellinghouse fronting a highway or footpath.
REASON: That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the amenity of adjacent properties in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 25 The landscape management plan, produced by TEP, dated 11th July 2019, shall be implemented as soon as the approved landscaping is carried out and shall not be withdrawn or altered in any way. **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.
- 26 The development hereby permitted shall not be occupied until the noise mitigation measures detailed in the approved documents have been installed. The development shall be 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.
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Planning Committee: 13 August 2019

Item Number: 7

Application No: [W 19 / 0322](#)

Town/Parish Council: Kenilworth

Case Officer: Lucy Hammond

01926 456534 lucy.hammond@warwickdc.gov.uk

Registration Date: 01/03/19

Expiry Date: 31/05/19

Land On East Side Of, Warwick Road, Kenilworth, CV8 1FE

Full planning application for residential development of 7 dwellings, including vehicular access, pedestrian and cycle links, public open space, car parking, landscaping, drainage & associated works. FOR Bovis Homes West Midlands Region

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to ensure that the seven dwellings approved by this permission remain subject to the same obligations and terms of the original S.106 agreement that was agreed as part of the outline permission granted for the wider site (W/17/2150).

Planning Committee are also recommended to delegate authority to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test.

In the event that additional information is received in pursuance of any of the pre-commencement conditions before the decision is issued, Planning Committee are also recommended to delegate authority to the Head of Development Services to re-word such conditions accordingly.

Should a satisfactory Section 106 Agreement not have been completed within one month of the date of decision, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that proposed agreement.

DETAILS OF THE DEVELOPMENT

This is a full planning application for the construction of seven dwellings at the front of the wider site that is already subject to an outline planning permission, approved by W/17/2150. While the red line site area is drawn around the whole site, the detailed development for which planning permission is sought relates to the construction of 7no. dwellings, the access off Warwick Road, the associated

open space which incorporates an area set aside for the provision of a LEAP and associated landscaping.

THE SITE AND ITS LOCATION

The application site is located to the south of Kenilworth, east of the Warwick Road and adjacent to the Kenilworth Cricket Club. The site in its entirety (around which the red line application site boundary is drawn) measures 5.83ha in area and comprises agricultural land which is generally bounded by mature field boundary hedgerows and trees. The northern site boundary is bounded by the private gardens of the properties in Swift Close (accessed off Newey Drive). The Kenilworth Cricket Club lies adjacent to part of the western site boundary, enclosed to the south by a timber post and rail fence and to the east by hedgerows interspersed with some trees and gaps. The rest of the western site boundary is bounded by the Warwick Road. The railway line follows the eastern site boundary, the other side of which is Bullimore Wood. The southern boundary of the site is defined by an existing mature mixed tree and hedgerow line.

The site comprises allocated site H41 in the Local Plan and has been removed from the Green Belt following the adoption of the Warwick District Local Plan 2011-2029. There is a Grade II listed farmhouse opposite the site, approximately in line with the position of the proposed new access into the development off Warwick Road.

For the purposes of this full planning application, while the application site is the extent of the allocated site, the built development sought as part of this application relates only to the first seven units near the Warwick Road frontage and the associated access and landscaping works.

PLANNING HISTORY AND RELEVANT BACKGROUND TO THIS APPLICATION

W/17/2150 - Outline application with all matters reserved except for access for the erection of up to 125 dwellings together with vehicular/pedestrian access from Warwick Road; green infrastructure including a play area, other open space and landscaping; sustainable drainage; and other related infrastructure - Approved 26.09.2018

The aforementioned planning permission is subject to a S.106 Agreement which sets out a number of obligations and financial contributions that are required as part of the approved scheme. There are also a number of pre-commencement conditions attached to the outline permission which are required to be discharged prior to the commencement of any development on the site.

The subsequent Reserved Matters (RM) application which is pursuant to condition 1 of the approved outline has since been submitted to the Local Planning Authority for consideration and is now pending under the reference W/19/0784. While this is a separate application to the one currently before Members it is important to note that this relates to the whole site and the development of 125 dwellings, as per the approved outline permission. For the avoidance of doubt, the layout plan, landscaping drawings etc all show the same

development as that which is illustrated on the submitted plans for the proposed 7no. units that form the subject of this separate full planning application.

In the interests of clarity, Members are advised that the developers took the decision to submit a separate full planning application for these seven units to allow them the option, in theory, of making an earlier start on site (on the first seven units), pending the determination of the later RM application for the rest of the site. Two conditions on the outline permission (related to the Masterplan and Design Code) specifically precluded the submission of the RM application until these conditions had been discharged so while work was underway to produce the necessary documents to the Council in pursuance of these conditions, the separate full application was submitted for consideration.

For the avoidance of doubt, the seven dwellings proposed are seven **of** the total 125; they are not seven additional units on top of the 125. The layout plans for both schemes overlayed on one another show the same detail for the first 7no. units of the scheme. If approved, since this is a standalone full planning application, all the same conditions imposed on the outline permission would need to be re-imposed on the full application and the permission would be subject to a legal agreement ensuring that these seven units are still caught by all relevant S.106 obligations, contributions etc.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- Kenilworth Neighbourhood Plan
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)

- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Open Space (Supplementary Planning Document - June 2009)
- Parking Standards (Supplementary Planning Document)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Air Quality & Planning Supplementary Planning Document (January 2019)
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- Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Neither support nor object but make the following comments:

- note that the proposed for 7 would not trigger the need for affordable housing provision, but that the site overall is expected to deliver the required amount of affordable housing
- TC is pleased to note compliance with NDP Policies KP9, 12 and 15
- it is disappointing to see the buildings set back further from Warwick Road
- there is sympathy for nearby residents who are concerned about the access and noise
- there is an assumption the LEAP will be fenced for safety
- there is an assumption that any speed limit reduction on Warwick Road will be implemented prior to occupation of the dwellings

Leek Wootton & Guy's Cliffe Parish Council (adjoining PC): Objection due to ongoing concern remains the access arrangements and the highway safety impacts of the overall development

WCC Highways: No objection subject to conditions and notes

Lead Local Flood Authority: No objection subject to conditions and notes

Environmental Health: No objection subject to conditions and notes

Housing: No objections; the application proposes less than 11 units and as such does not trigger the need for affordable housing

WCC Landscape: No objections but recommendations made for the type of planting proposed

Open Space team: No objections overall but requests made for additional information/clarification

WCC Ecology: Request made for revised BIA calculation to be undertaken

Sport England: Concerns regarding the fact the ball stop mitigation has not yet been agreed or approved and could have implications on the proposed scheme for 7 units

Public response:

7 letters of objection received raising the following concerns:

- Access is unsuitable
- Additional traffic resulting from the development will create highway safety concerns
- The site edges onto the Green Belt and is unsuitable from an aesthetic point of view
- Unsustainable design of buildings proposed
- 7 more dwellings is excessive
- This would be detrimental to the surrounding area
- There would be an impact on wildlife
- It is difficult to comment on the scheme for 7 without knowing what the rest of the site entails; the site could become disjointed
- Other comments made relate to the wider site and are therefore not applicable to the proposed scheme for the 7 units

1 neutral letter (from Kenilworth Cricket Club) received raising the following points:

- There is no objection to the 7 dwellings or the security fencing/ball stop netting that will be proposed
- The maintenance of such fencing should be for the developer
- In agreement with the comments and recommendations of the EHO

ASSESSMENT

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

- principle of development;
- impact on the character and appearance of the area;
- impact on the living conditions of neighbouring dwellings;
- provision of appropriate living environment for future occupants of the proposed development;
- impact on heritage assets;
- access and parking / highway safety;
- drainage and flood risk;
- ecological impact;
- open space;
- ball stop mitigation;
- environmental health considerations;
- housing mix; and
- section 106 contributions.

Principle of development

The principle of development has previously been established through the approval of the outline permission for development of the whole site for up to 125 dwellings. Nevertheless, this is a standalone full application for seven units at the front of the site and for the avoidance of doubt, the principle of residential development on this site is supported by Policy DS11 of the Local Plan, in which this site is identified as allocated site H41. Subject to an assessment being made of the relevant material planning considerations therefore, the site is considered acceptable in principle for residential development.

Impact on the character and appearance of the area

The proposed seven units would front the Warwick Road and provide the entry into the rest of the developed site. Four units are proposed set back off a private road inside the site, while the other three are set back even further from Warwick Road, providing an appropriate space to the frontage for open space and a LEAP. It is important to acknowledge that details of the LEAP are not for consideration as part of this application since this is being dealt with separately through the discharge of conditions process, pursuant to the outline permission.

All seven units proposed are detached and range from 3-bed to 5-bed. They are well spaced apart, each having their own garages and a predominant use of brick with some elements of render is proposed for the materials. The styles of the dwellings vary; most are double gabled properties but some incorporate additional features such as small forward projecting gables, catslide roofs, bay windows and porch canopies. Additionally, regard has been had to architectural detailing such as cills and lintels, eaves and verges, fenestration and feature brickwork, including the creation of brick arches and piers around some of the entrance doors. There is sporadic use of timber framing on the apex of the forward projecting gable which adds visual interest to the street scene and the corner plots (in this case Plots 4 and 38) are dual aspect, providing as much of an active frontage on its side gable as the principal elevation which would face the spine road into the development.

Warwick Road, south of the gyratory, i.e. closest to the development site, is characterised by a mix of building styles and house types which incorporate a range of the same features and architectural detailing that the proposed development seeks to incorporate. In terms of materials, it is noted that the nearest residential buildings north of the application site are constructed mainly from brick although there is render in the street scene as well. Some buildings are a mix of both brick and render which is replicated in two of the seven dwellings proposed in this application.

Overall, the proposed seven units that would front the Warwick Road and provide the entry into the rest of the allocated site would create a street scene with its own identity, which at the same time, would reflect the existing characteristics of the surrounding built development. It is considered that the proposal would not result in any material visual harm to the character of the area and surrounding context and it is appropriate to impose a materials condition requiring samples of the materials to be used on the proposed dwellings to ensure that the bricks are an appropriate colour and texture.

A comment received from a local resident suggests that the site's proximity to the Green Belt (to the south) makes the site unsuitable from an aesthetic point of view. The presence of the Green Belt south of the site is acknowledged, however, it is important to note that the site itself was taken out of the Green Belt and allocated for residential development, the principle of which has already been established through an earlier outline permission. Green Belt is not a landscape designation; development that does not satisfy the exceptions in the NPPF is harmful by definition. However, in this case, given the site is not in the Green Belt, the development cannot harm its openness.

The development is considered to accord with Policy BE1 of the Local Plan.

Impact on the living conditions of neighbouring dwellings

The nearest neighbouring dwellings to the application site are those on the opposite side of the road, west of the access into the application site. Waterside Cottage, closest to the Warwick Road carriageway, sits on its own and is the closest property to the proposed dwellings, being directly opposite proposed Plots 1 and 2. A collection of eight properties, all former farm buildings that have since been converted to residential, sit further south and these are set further back from Warwick Road and are positioned opposite the open space proposed in the south west corner of the application site.

In view of the distance separation between the fronts of the existing and the proposed properties there would be no material harm arising by reason of overbearing, overlooking or overshadowing and the development is acceptable in accordance with Policy BE3 of the Local Plan.

Provision of appropriate living environment for future occupants of the proposed development

The proposed dwellings are positioned such that they would satisfy or exceed the distance separation required where properties share back to back or back to side relationships. Although there are some units which have a back to side relationship, the property is orientated such that it would be akin to a more typical side to side relationship and subject to obscure glazing being used on the first floor windows (which serve bathrooms, stairwells and/or dressing areas) this would be acceptable.

The proposed garden areas accord with the guidance set out in the Residential Design Guide and for the most part are well in excess of the minimum space required per dwelling type. Accordingly officers are satisfied that the development is acceptable in this respect and accords with Policy BE3 of the Local Plan.

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." 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.

The nearest listed building is Wootton Grange Farm House, located approximately 30m away from the nearest edge of the application site, but in total, approximately 50m away from the nearest proposed built development. No conservation objections are raised to this development and the impact of these seven units across the site's frontage on the setting of the heritage asset is considered neutral.

In making this assessment, regard has been had to the weight that should be given to the desirability of preserving the special interest and setting of the heritage assets and the proposal is considered to accord with Policy HE1 of the Local Plan.

Access and parking / Highway safety

Although the Highways Authority initially raised an objection to the proposed development, additional information was required which has since been provided by the applicant. The Highways Officer subsequently confirmed that the only outstanding matter related to the requirement to discharge one of the conditions from the outline permission relating to the provision of bus infrastructure. However, this is a full planning application in its own right, which stands apart from the outline which has gone before and the Highways Authority has moved to a position of no objection subject to conditions requiring the construction of the access and estate roads to the appropriate specification together with the necessary improvements to allow for the provision of bus infrastructure.

The appropriate number of parking spaces are provided based on the number of dwellings and dwelling types that are proposed in this application and it is noted there are additional parking bays along the spine road to provide an overflow/visitor spaces.

Overall officers are satisfied that the development would not be detrimental to highway safety and as such the development accords with Policies TR1 and TR3 of the Local Plan.

Drainage and flood risk

A Flood Risk Assessment was carried out and submitted with this application, to which the Lead Local Flood Authority has raised no objection subject to conditions. It is proposed to add conditions requiring the submission of a surface

water drainage scheme together with details of maintenance and long term management. Officers are satisfied that the development is acceptable in this regard and accords with Policy FW2 of the Local Plan.

Ecological impact

The response from the County Ecologist in respect of this application made reference to the previous outline application and suggested that the layout now was different to what had previously been agreed. Accordingly a revised BIA calculation was requested. It must be remembered that this is a standalone full application which is separate to the outline already approved and the reserved matters which will inevitably follow. Comments in relation to the outline therefore, for example, in reference to the CEMP and LEMP are separate matters to be dealt with either through the discharge of conditions process pursuant to the outline permission or will be picked up in the subsequent reserved matters submission.

For the purposes of this full application therefore, there is no approved layout which has gone before and this layout for the proposed seven units stands alone to be considered on its own merits. It follows therefore, that if approved, relevant conditions to impose would require the submission of a CEMP and LEMP together with update ecological surveys which were required as part of the previous permission.

Based solely on this proposed 7-unit scheme, officers are satisfied that the development accords with Policy NE2 of the Local Plan, subject to the imposition of appropriate conditions on this separate standalone full application.

Other matters

Open space

The Open Space officer had previously provided some comments on this application which largely relate to the detail which is being dealt with either through the discharge of conditions process pursuant to the outline permission and/or would be picked up in the reserved matters. For the purposes of a seven unit scheme, there would not normally be any requirement for open space obligations/contributions since it is below the thresholds. That said, it is noted that some of the comments regarding landscaping have been taken into account by the applicant and the landscaping drawings updated accordingly. The LEAP is not part of this application and is being dealt with as a condition pursuant to the outline. Similarly, the details of the SUD's would be expected to be submitted by condition which is to be re-imposed on any forthcoming planning permission for this 7-unit scheme. Overall the full application is considered acceptable in this regard.

Ball stop mitigation

Comments have been made by both Sport England and the adjacent Cricket Club about the proposed ball stop mitigation which is proposed along the north and west boundaries of the site. This is a condition requirement on the outline and for the same reason would become a condition requirement on any separate full

planning permission approved at the site for these seven units, particularly having regard to the fact that Plot 1 borders the northern site boundary along which part of the ball mitigation measures would be required.

Environmental health considerations

The Environmental Health Officer made some comments in relation to air quality, contaminated land, noise and construction methods. Looking at this application in isolation, i.e. a standalone application for seven dwellings, it is considered appropriate to impose standard conditions requiring an air quality mitigation scheme to accord with the SPD, a site investigation, a scheme of mitigation to protect residents from road noise and a construction method statement. Subject to the imposition of these conditions the development is considered acceptable in this regard and accords with Policies BE3 and NE5 of the Local Plan.

Housing mix

A scheme of less than 11 units would not require the provision of affordable housing, however it is noted that these are seven of the total 125 across the wider site and the reserved matters application will be expected to deliver the requisite housing mix and percentage of affordable housing.

S.106 contributions / obligations

A scheme of seven units would normally fall below the thresholds which trigger the need for S.106 obligations and financial contributions. However, since this forms part of a wider site, the seven units are seven of the total of 125 which have been given outline permission and the red line extends around the allocated site in its entirety, it is appropriate to ensure that these seven units remain tied to the original S.106 obligations set out in the original legal agreement which accompanies the outline planning permission. To that end, work is currently underway on a subsequent legal agreement which will ensure that the seven dwellings, if approved, remain caught by the same obligations.

SUMMARY / CONCLUSION

The principle of development is acceptable having regard to Policy DS11 and the fact this is allocated site H41 in the Local Plan. The seven units proposed along the site's frontage would be constructed from appropriate materials which reflect the surrounding vernacular and the house types and architectural styles would be characteristic of the surrounding area. There would be no material visual harm arising from the proposals. The development is acceptable in terms of residential amenity to both existing and future occupiers and there would be no detriment to the heritage asset, highway safety, flooding, ecology, air quality, noise and contaminated land. Appropriate conditions imposed will require the submission of necessary information, for example the ball top mitigation proposed along the boundary with the Cricket Club, to ensure the development is acceptable and a subsequent legal agreement will ensure the seven units approved by this scheme will continue to be subject to the same obligations and contributions as set out in the original outline permission. For these reasons it is recommended that planning permission be granted.

CONDITIONS

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

001, P18-2572_09 Rev:A, HTPD_X307 INF, HTPD_X414-F, HTPD_X518-F-01, HTPD_X518-F-02, HTPD_X520-F-01, HTPD_X520-F-02, HTPD_X531-F-01, HTPD_X531 02, HTPD_AGD2vt-AGS2vt and HTPD_AGS2vtX2 and specification contained therein, submitted on 1 March 2019;

Kenill-SK02 Rev.A and specification contained therein, submitted on 1 April 2019;

18/323-01 Rev.E and specification contained therein, submitted on 26 July 2019; and

P18-2572_08 Rev:E, P18-2572_10 Rev:B, P18-2572_11 Rev:B, P18-2572_12 Rev:B and P18-2572_13 Rev:B and specification contained therein, submitted on 31 July 2019;

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 part of the development hereby permitted shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA, *Land off Warwick Road, Kenilworth_M-EC_21088/11-17/5100_November 2017* and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
 - Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
 - Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 8.41l/s for the site.
 - Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'.
 - Demonstrate detailed design (plans, network details and

calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.
- Provide evidence to show a section 106 agreement from Severn Trent Water to connect to the existing surface water network.
- Provide a maintenance plan to the LPA giving details on how the entire surface water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

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

- 4 No part of the development hereby permitted shall commence unless and until a suitable scheme for the provision of appropriate mitigation measures to be implemented that minimise any risks associated with the proximity of the cricket club to the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details. **REASON:** In the interests of visual amenity and to safeguard the amenity of future occupiers in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 6 No part of the development hereby permitted shall commence until: -
 1. (a) 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 planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
 - A risk assessment to be undertaken relating to human health
 - A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
 - An appropriate gas risk assessment to be undertaken
 - Refinement of the conceptual model
 - The development of a method statement detailing the remediation requirements
 - (b) The site investigation has been undertaken in accordance with details approved by the planning authority and a risk assessment has been undertaken.
 - (c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and

surface waters using the information obtained from the site investigation, has been submitted to the planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the planning authority prior to the remediation being carried out on the site.

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

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

- 7 The development hereby permitted shall not commence until a scheme of mitigation including detailed arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from the outside the development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 8 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for:
 - Any temporary measures required to manage traffic during construction
 - Plans and details of haul roads within the site and for the turning

and unloading and loading of vehicles within the site during construction

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

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

- 9 The development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) 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 and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

REASON: To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF) and Policy NE2 of the Warwick District Local Plan 2011-2029.

- 10 No part of the development hereby permitted shall commence until a

detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland, woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with NPPF and Policies NE3 and NE4 of the Warwick District Local Plan.

- 11 The development hereby permitted (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan 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.
- 12 No part of the development hereby permitted shall commence unless and until an updated reptile survey has been carried out at the appropriate time of year and during appropriate weather conditions, by a suitably qualified ecologist. Appropriate mitigation measures as recommended following results of the survey to be agreed between the applicant and the District Council (with advice from WCC Ecological Services), and incorporated into the development design. **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.
- 13 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:** To protect trees and other features on

site during construction in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

- 14 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.
- 15 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 16 Prior to the occupation of the development hereby permitted, the first floor windows in the rear elevations of Plots 4 and 38 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.
- 17 The development shall not be occupied until the public highway at Warwick Road has been improved so as to provide for Bus Infrastructure works in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 18 The development hereby permitted shall be carried out strictly in accordance with the approved Flood Risk Assessment (*Ref. 21088/11-17/5100 Rev.A March 2018*) and documents listed below, and in particular the following mitigation measures detailed within the FRA:
 - Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change)

- critical rain storm to 8.4l/s for the whole site
- Provide provision of surface water attenuation storage as stated within the FRA to provide attenuation up to the 1 in 100 year event plus 40% (allowance for climate change), in accordance with 'Science Report SC030219 Rainfall Management for Developments' for the whole site
- Surface water is to be provided via a minimum of two trains of treatment using the proposed above ground drainage features within the drainage design

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

REASON: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029.

- 19 The access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highways Authority.
REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 20 The development hereby permitted shall not be occupied unless and until the estate roads (including footways, verges and footpaths) serving it have been laid out and substantially constructed in accordance with the standard specification of the Highway Authority.
REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 21 No part of the development hereby permitted shall be occupied until a detailed maintenance plan is implemented and provided to the Local Planning Authority giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the part responsible, including contact name and details shall be provided to the Local Planning Authority within the maintenance plan. **REASON:** To ensure the future maintenance of the sustainable drainage structures in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.
- 22 The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority".
REASON: In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters.

23 No part of the development hereby permitted shall be occupied unless and until a scheme has been submitted to and approved in writing by the local planning authority indicating how and when mixed open space facilities will be incorporated into the development, to include informal open space, appropriate children's play facilities, outdoor sport facilities and allotment gardens. The scheme shall be implemented in strict accordance with the approved details and shall be retained thereafter.
REASON: To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029.

24 The development hereby permitted shall not be occupied until details of all external light fittings and external light columns have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the District Planning Authority expects lighting to be restricted across ponds and semi-improved grassland and trees/hedgerows 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
- 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 and Policies BE1 and NE2 of the Warwick District Local Plan 2011-2029.

Planning Committee: 13 August 2019

Item Number: 8

Application No: [W 19 / 0559](#)

Town/Parish Council: Baginton

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 15/04/19

Expiry Date: 15/07/19

Hangar 5, Coventry Airport, Coventry Road, Baginton, Coventry, CV3 4PB

Proposed change of use of Hangar 5 and associated external yard from an air freight storage and distribution and aircraft maintenance hub (sui generis) to a haulage yard, including HGV storage and maintenance and road freight storage and distribution (sui generis). FOR Coventry Airport Limited

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

This application seeks planning permission for the proposed change of use of Hangar 5 and its associated external yard from an air freight storage and distribution and aircraft maintenance hub (sui generis use class) to a haulage yard, including HGV storage and maintenance and road freight storage and distribution (sui generis use class).

An additional access would be provided from an existing internal road which is within the boundary of the Coventry Airport site. Other than this, there are no physical alterations to the application property or wider site.

THE SITE AND ITS LOCATION

The application relates to one of the existing hangar buildings (number 5) within the Coventry Airport site, with access from Coventry Road. The site is situated within the Green Belt.

The site contains a large hangar with a yard to the front, side and rear, and is adjoined by another hangar to the south east. There are residential properties to the south west of the main section of the site, some of which are in relatively close proximity to the access to the site.

RELEVANT PLANNING HISTORY

There have been a number of planning applications relating to the application site and wider Coventry Airport. However, those which are considered to be relevant are:

Application Site:

W/05/1831 - planning permission granted for the formation of a 6 metre wide vehicular access road to Northern perimeter of site; creation of car parking areas to serve Hangar 5 and Shackleton House and erection of security boundary fencing.

Wider Site:

W/89/0484 - planning permission granted for the erection of 2 units to provide maintenance/freight storage, packaging, distribution and offices for helicopter operations with parking for 27 vehicles.

W/90/0065 - planning permission granted for the erection of a new airport terminal building, other operational buildings and additional buildings primarily for airport related uses, construction of vehicular and pedestrian accesses.

W93/1008 - planning permission granted for the relocation of airport hanger, with maintenance bay, offices and a club; provision of car parking area and a concrete apron.

W/96/0454 - planning permission granted for the erection of single and two storey buildings for parcel sorting and distribution, each having ancillary offices, motor transport workshop, hardstandings, parking, landscaping, fencing and security buildings.

W/15/1597 - planning permission granted for the change of use from storage and distribution (Use Class B8) to general industrial (Use Class B2).

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029)
- MS2 - Major Sites in the Green Belt (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TR5 - Safe Operation of Aerodromes (Warwick Local Plan - 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)

- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Neighbourhood Plan
- Baginton & Bubbenhall Neighbourhood Plan 2018-2029

SUMMARY OF REPRESENTATIONS

Baginton Parish Council: Objection,

- A number of planning constraints exist in relation to the use of the buildings and other structures on the airport, one of which restricts uses to aviation and associated activities only. Another restricts operational hours in order to protect Baginton and its residents.
- The proposed change of use will result in direct conflict with these restrictions and introduce unacceptable noise and pollution for local residents.
- The change of use would set a precedent for further changes of use, turning the whole area into a 24 hour industrial estate with the only access through Baginton Village.

Councillor Bush: Objection,

- The change of use is to permit non-aeronautical related operations to be sited on the airport. These operations could be re-located to other more practical sites where there is no impact on the village.
- The proposal will have an increased detrimental impact on residential amenity, which will be focused behind Oak Close with HGV traffic in and out of the yard as well as general yard work which includes stopping and starting of wagons, shunting, loading and unloading and manoeuvring all of which will impact the area.
- The proposed access road for Hanger 5 will eventually access the proposed New Link road via a new junction behind Oak Close, this junction has been raised as an issue as part of the Zone A Gateway planning applications. Due to the projected volumes of traffic on the link road together with the siting of a replacement car park also behind Oak Close and traffic accessing and exiting the airport via this junction, being required to turn right across oncoming traffic. No solution has been identified within this application.
- This proposal has no noise or air quality assessment associated with it and the Link Road assessments are non-existent. These should be provided for this area.

Councillor Redford and Council Wright: Joint objection:

- The airport is located within the Green Belt and the application does not fulfil any of the "special case" requirements defined in paragraphs 143-147 of the NPPF.
- The change of use would be damaging to the area and community.
- Increase in traffic, particularly HGV movements potentially 24 hours a day, 365 days a year.
- Increase in noise, pollution and degradation of the current roads.
- Increased risk of incursion on restrictive roads around Baginton and surrounding villages, representing road safety hazards.

- Allowing the change of use would set a harmful precedent.

Environmental Protection: No objection.

WCC Highways: No objection.

Public Responses: 20 Objections:

- Impact on neighbouring residential amenity (increase in traffic including HGVs, pollution, noise & light disturbance);
- detrimental impact on property prices;
- the access for HGVs is unsuitable; the village has already been spoilt by other agreed developments;
- impact on wildlife;
- impact on local community;
- an alternative access should be considered;
- impact on health of nearby residents;
- the overall economic benefits are questionable;
- reference to application W/05/1831 is irrelevant;
- queries need for an EIA and air quality assessment.

Coventry and Warwickshire Local Enterprise Partnership (CWLEP):

Support, will secure local employment and enable the continuing development and growth of a successful small business. We have worked with the businesses and with other stakeholders to secure their continuity of the operations and assist with the search for new premises. This has not been an easy process mainly because of a shortage of suitable premises, the special requirements of some companies such as In Transit Ltd and the rising costs of buying or leasing any premises in one of the most buoyant local economies in the country. The business involved with this application has a workforce largely drawn from the local area and would find it difficult to relocate far from its current operating base. The proposed change of use of the existing hanger to the proposed transport related uses is located in an area of long established commercial activity and provides the opportunity to secure the continuation of this business.

ASSESSMENT

The principle of the development

Change of Use

There have been objections from the Parish Council, Local Councillors and members of the public that the change of use would set a precedent for further changes of use, turning the whole area into a 24 hour industrial estate with the only access through Baginton Village and that there are restrictions across limiting the use to activities associated with the airport only.

A Section 106 agreement was included with the permission for the neighbouring "Parcelforce site", which includes restrictions on the part of the airport to the rear of Oak Close to airport related operations (W/94/0454), of which the yard area of Hangar 5 falls within the restrictions. Previous permissions relating to some of the hangars on the wider site also limited the use by conditions to

operations associated with air freight handling and distribution or airport related purposes only (W/90/0065 and W/93/1008). These conditions were attached because the site was located within the Green Belt and the Council wished to maintain controls over the site and as not to conflict with the structure plan.

However, any restrictions in a Section 106 Agreement or by condition do not dictate that a future planning application should be refused. The Council is obliged to consider each application on its own merits. This includes considering whether the building and land should be reserved for aviation purposes.

Local Plan policy EC3 states that outside town centres, the redevelopment or change of use of existing and committed employment land and buildings (Use Classes B1, B2 and B8) for other uses other than use as employment land will not be permitted unless certain criteria can be met. However, there are no policies contained within the Local Plan or the Baginton and Bubbenhall Neighbourhood Development Plan (BBNDP) which stipulate that the application site must remain for aviation purposes. Therefore, whilst the comments above are noted, there is no material planning reason to insist that the site should remain associated with airport activities in principle.

The existing use (air freight storage and distribution and aircraft maintenance hub) whilst sui generis, is akin to an employment use (B1, B2, B8) in terms of the types of activities carried out within the site. The proposed use would also be sui generis, a haulage yard, including HGV storage and maintenance and road freight storage and distribution. This is also considered to be similar to the traditional employment uses and similar in general terms to the existing use. It is therefore not considered that the proposed change of use would result in a loss of employment land. The change of use is considered to be acceptable in principle.

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

Local Councillors state that the airport is located within the Green Belt and the application does not fulfil any of the "special case" requirements defined in paragraphs 143-147 of the NPPF.

However, the proposals do not require any external alterations to the premises. Consequently the proposed use would have no greater impact on the openness of the Green Belt than the existing use. Paragraph 146 of the NPPF recognises that appropriate development within the Green Belt would include "the re-use of buildings provided that the buildings are of permanent and substantial construction". The proposed change of use would represent the re-use of an existing building with the Green Belt, which is clearly of permanent and substantial construction. The proposal is therefore considered to be in accordance with the Local Plan and NPPF relating to the impact on the Green Belt.

Impact on the character and appearance of the area

There are no external changes proposed to the hangar. There would be the provision of an additional access, including a new fence. Whilst no details of the fence have been provided, the agent has confirmed that it would be a CAA compliant security fence, identical to one which was approved under application W/05/1831, which can be secured by condition. In the context of the application site and wider airport, a security fence would be acceptable.

The application site cannot be viewed from public vantage points and the proposed physical alterations to the site as part of this scheme are minor and acceptable in terms of the impact on the character and appearance of the area. The proposal is therefore considered to be in accordance with Local Plan policy BE1.

Car parking and highway safety

Local Councillors consider that the proposed access road for Hanger 5 will eventually access the proposed New Link road via a new junction behind Oak Close, and this junction has been raised as an issue as part of the Zone A Gateway planning applications. Due to the projected volumes of traffic on the link road together with the siting of a replacement car park also behind Oak Close and traffic accessing and exiting the airport via this junction being required to turn right across oncoming traffic, Councillors express concerns relating to highway safety. Councillors also raise concerns relating to the degradation of the current roads and increased risk of incursion on restrictive roads around Baginton and surrounding villages, representing road safety hazards. Members of the public consider that the access for HGVs is unsuitable and that an alternative access should be considered.

WCC Highways were consulted regarding the proposal and note that the application is supported by a Transport Statement which confirms that the proposal will not increase the number of HGV trips on the Highway Network as they will be re-distributed from the existing site further south on Coventry Road. Given that the existing facility is to be demolished as part of wider development proposals, the Highway Authority has no reason to dispute this. Furthermore, although a number of objections have been made relating to the proposed access arrangements, the current proposal is temporary and will be replaced at a point in the future when the Gateway South proposals are completed. WCC Highways have no objection to the proposed change of use on this basis.

The Vehicle Parking Standards do not specify the parking requirement for sui generis use and should be determined on an individual basis. As stated above, the proposed use is not likely to generate an increased number of trips to the site and in terms of the existing and proposed uses, these are fairly similar in terms of the parking demands for the site. It is therefore not considered that the proposed change of use is likely to generate an increased demand for parking within the site, which has ample parking around the existing building.

WCC Highways have identified that there would be no additional traffic as a result of the change of use, and no detrimental impact on highway safety. There is also adequate parking on site, and the proposal is therefore considered to be in accordance with Local Plan policies TR1, TR2 and TR3 and BBNDP policy G4.

Impact on nearby residential amenity

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development.

There have been objections from members of the public, the Parish Council and Local Councillors that the proposed use would have a detrimental impact on neighbouring residential amenity in terms of noise from HGVs, general yard work (including stopping and starting of wagons, shunting, loading and unloading and manoeuvring), the hours of use, light disturbance and increased levels of pollution for local residents. Members of the public also consider that the proposal would have a detrimental impact on the health of nearby residents and that an air quality assessment should have been provided. Local Councillors note that the proposal has no noise or air quality assessment associated with it and the Link Road assessments are non-existent.

Environmental Health Officers had concerns that it had not been demonstrated that the proposed use would not generate increased levels of disturbance for nearby residential properties. Therefore, a noise assessment was requested and provided by the applicant. The noise report assessed the potential noise impacts on existing residential properties arising from the proposed change of use. The assessment has considered the noise impacts with and without the proposed link road and bund from Gateway South. The report has identified that the proposed change of use is unlikely to have an adverse noise impact with the Gateway South and link road in place, however, the report acknowledges that this could take up to three years for completion.

Without the bund and road link in place, the proposed change of use has been identified as having a low noise impact with some minor exceptions. The report identifies that some night time L_{Amax} noise incidents would exceed the recommended 60dB L_{Amax} (45dB L_{Amax} indoors) up to 11 times during a typical night time. The WHO recommends that no more than 10 to 15 incidents above this level should be exceeded to ensure a good night's sleep. The assessment identifies that the majority of these incidents would occur between 06:00 and 07:00. Noise exceedances have also been identified during the sensitivity test at times of low background sound levels. The maximum exceedance above background level is +3dB which would equate to an audible change in sound levels but may not necessarily cause adverse noise impacts. Considering these impacts in the context that the proposed development is a change of use from a similar operation and is located in an existing area of commercial activity, the noise impacts from the proposed development would not be dissimilar to the existing planning permissions.

Environmental Health Officers conclude that for these reasons, it is not possible to sustain an objection on the grounds of noise. They however recommend that the applicant expedites the creation of the bund at the access road to the development site in order to minimise any adverse noise impacts to local residents in the shortest possible time. Whilst this advice can be passed onto the applicant, it is not possible to control when the bund is delivered as part of this planning application.

Environmental Health Officers raise no concerns relating to the hours of use, lighting or pollution. This is an existing commercial site where lighting is already installed. Owing to the distance between the main part of the application site and the neighbouring residential properties it is not considered that additional lighting would be materially harmful to neighbouring residential amenity. Any lights from vehicles would be along an existing service road. As stated above, the proposed change of use is unlikely to increase vehicular trips to the site, and therefore an assessment on the impact of the proposed development on air quality would be unreasonable to request from the applicant.

The proposal is therefore considered to have an acceptable impact on nearby residential properties and is considered to be in accordance with Local Plan policy BE3.

Ecology

Members of the public consider that there would be a detrimental impact on wildlife as a result of the proposed change of use. However, there are no ecological issues identified as part of the proposal.

The proposed change of use is considered to be in accordance with Local Plan policy NE2 and BBNDP plan policy G2.

Other matters

Coventry Airport have not raised any airport safeguarding concerns.

Local Councillors and members of the public consider that the proposal would be damaging to the area and community. However, for the above reasons, Officers have no evidence to suggest that this would be the case.

Members of the public have raised concerns relating to the detrimental impact of the change of use on property prices. However, this is not a material planning consideration and cannot be assessed as part of the application.

Members of the public state that the village has already been spoilt by other agreed developments. However, each application has to be dealt with on its own merits.

Members of the public also consider that the overall economic benefits are questionable. However, as identified above, Officers have no material reason to refuse the application.

Members of the public have questioned whether an Environmental Impact Assessment (EIA) should have been provided in support of the application. However, this change of use does not meet any of the thresholds required for the provision of an EIA.

SUMMARY/CONCLUSION

The proposals would have no greater impact on the openness of the Green Belt than the existing use. Furthermore, the proposals are unlikely to have an unacceptable impact on neighbouring residential amenity or highway safety. Therefore it is recommended that planning permission is granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing AV/17/04/06, and specification contained therein, submitted on 3rd April 2019. **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 fencing hereby approved shall not be installed until details of the fencing to be used have been submitted to and approved in writing by the local planning authority. The development shall not be carried out otherwise than in strict accordance with such 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.

Planning Committee: 13 August 2019

Item Number: 9

Application No: [W 19 / 0806](#)

Town/Parish Council: Weston under Wetherley
Case Officer: Rebecca Compton
01926 456544 rebecca.compton@warwickdc.gov.uk

Registration Date: 30/05/19

Expiry Date: 25/07/19

14 Rugby Road, Weston under Wetherley, Leamington Spa, CV33 9BW

Erection of two storey side extension. FOR Mr J Coleman

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

RECOMMENDATION

Committee are recommended to refuse planning permission.

DETAILS OF THE DEVELOPMENT

The proposal seeks permission to erect a two storey side extension.

THE SITE AND ITS LOCATION

The application property is a two storey semi-detached dwelling located on the eastern side of Rugby Road, Weston Under Wetherley. The site is washed over by Green Belt.

PLANNING HISTORY

W/10/0197 - Permission granted for a single storey garage.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Weston Under Wetherley Parish Council: Support the application due to the personal circumstances of the applicant and will improve the appearance of the property.

WCC Ecology: Recommend initial bat survey.

ASSESSMENT

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

The main issue in the consideration of this application is whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and other harm identified.

Paragraph 145 of the National Planning Policy Framework requires the construction of new buildings to be regarded as inappropriate in Green Belt except where the extensions or alterations are not disproportionate additions over and above the size of the original building.

The supporting text of Policy H14 of the adopted Warwick District Local Plan 2011-2029 states that development which would represent an increase of more than 30% of the gross floor space of the original dwelling (excluding any detached buildings) located within the Green Belt is likely to be considered disproportionate.

The floor area of the original dwelling was 138.39 square metres. The additions (existing and proposed) amount to approximately 79.72 square metres which equates to 58% above the floor space of the original building. This is significantly greater than the Council's adopted Local Plan guidance of 30% and is therefore considered to represent a disproportionate addition to the property, which is harmful by definition and by reason of harm to openness.

No very special circumstances have been presented which would outweigh the harm identified. The proposed development is therefore considered to conflict with the NPPF and Local Plan Policy H14.

Design and impact on the street scene

The proposed two storey side extension is set down and set back to create a subservient addition to the property in accordance with the adopted Residential Design Guide SPD. The proposed extension is no more than 2/3rds the width of the original property and is considered of an acceptable design for the property and the street scene.

The proposal is considered to comply with policy BE1.

Impact on the amenity of neighbouring properties

The proposed extensions will not breach the Council's adopted 45° line when taken from the nearest windows serving the immediate neighbours at numbers 13 and 15 Rugby Road. The proposal is not considered to present a negative impact on the amenity of the neighbouring properties with regards to light and outlook.

The proposal is considered to comply with policy BE3.

Ecology

Taking a precautionary approach, the County Ecologist has recommended that a preliminary bat survey is required prior to the determination of the application. This request has been considered, however, it is also noted that the existing dwelling is well sealed with other dwellings in close proximity.

On this basis, it is considered that the likelihood of bats is relatively low and a bat note advising the applicant of their responsibility in relation to protected species would be more reasonable and appropriate in this case.

Parking

The Council's adopted Parking Standards require a 4 bed property to provide 3 off road parking spaces, the existing property benefits from a large front drive that provides sufficient space for 3 off road parking spaces. The proposal therefore complies with the adopted Parking Standards SPD and policy TR3.

Summary/Conclusion

The proposed development would represent a disproportionate addition to the application property which therefore means that the proposal constitutes inappropriate development in the Green Belt which is harmful by definition. It would also be harmful by reason of harm to openness.

REFUSAL REASONS

- 1 In the opinion of the Local Planning Authority, the proposed development represents a disproportionate addition to the original building and therefore constitutes inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified.

The proposed development is therefore contrary to the National Policy Framework and to Policy H14 of the Warwick District Local Plan 2011-2029.

Application No: [W 19 / 0916](#)

Town/Parish Council: Beausale, Haseley,
Honiley & Wroxall

Registration Date: 18/06/19

Expiry Date: 13/08/19

Case Officer: Emma Booker
01926 456521 Emma.Booker@warwickdc.gov.uk

Wood Corner Cottage, Honiley Road, Beausale, Warwick, CV35 7NU

Householder application for the proposed erection of a three bay garage and log store. FOR Mr & Mrs Beaumont

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

RECOMMENDATION

It is recommended that Planning Committee refuse this application for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The applicant seeks planning permission to erect an outbuilding comprising a 2 open parking bays, a garage and a mono-pitch open-sided log store. The outbuilding will be positioned to the side of the dwelling.

The outbuilding will be 3.905 metres in height, approx. 9.82 metres in width and approx. 5.24 metres in depth. It will be constructed with clay roof tiles, a brick plinth base, an oak frame and timber cladding. The outbuilding will have a half-hipped roof and wooden garage doors.

THE SITE AND ITS LOCATION

The application site relates to a replacement bungalow which was granted permission in 2012 (ref: W/12/1341); the permission permitted Rose Cottage to be demolished and replaced with the existing dwelling, Wood Corner Cottage. The replacement dwelling is materially larger than Rose Cottage, and was granted permission on the basis that all outbuildings within the site were removed. The demolition of existing outbuildings within the site was considered sufficient enough to mitigate the impact to openness that a larger replacement dwelling would have. Permitted developments rights were moved to control any further development at the site which would increase the bulk and mass of buildings in the interest of preserving the openness of the surrounding green belt and rural character of the site.

Previously on the site, there were a pair of similarly designed detached cottages, which were originally accessed off Barracks Lane (one of which still remains - Quince Cottage). However, the application property is now accessed off Honiley Road, via a private dirt track. The application site is located within the Green Belt.

PLANNING HISTORY

W/96/1336 - Field 2355/land between Rose Cottage and The Old Smithy, Barracks Lane retention of a driveway - granted 1997.

W/11/0978 - Demolition of two existing houses and construction of two replacement dwellings with detached garages - granted 2011.

W/12/0747 - Demolition of an existing detached house and erection of replacement bungalow with ancillary carer's accommodation in roof space. Erection of detached garage - refused 2012.

W/12/1341 - Demolition of an existing detached house and construction of a replacement bungalow - granted 2012.

W/13/0315 - Variation of condition 2 of planning permission reference W12/1341 to substitute drawing Nos. 11096 1- 3 (inclusive) Rev H with drawing Nos.11096 1-3 (inclusive) Rev I (to amend the roof design; remove a dormer and change the position of one dormer) - granted 2013.

W/17/2163 - Design alterations to planning permission ref: W/13/0315 (erection of a replacement dwelling) (Retrospective Application) - granted 2018.

W/18/2455 - Variation of Condition 3 (removal of permitted development rights) of planning permission ref: W/17/2163 [*Design alterations to planning permission ref: W/13/0315 (erection of a replacement dwelling)*], to reinstate the Schedule 2, Part 1, Class E (erection of outbuildings) permitted development rights. - Refused, 2019.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Beausale, Haseley, Honiley & Wroxall Parish Council - Support.

- No further comments provided.

WCC Ecology - No objection.

Public response - 4 letters of support received from Quince Cottage, Ivy Cottage, The Smithy and Holly Farm.

- Everyone should have the right to keep their vehicles and belongings secure, keeping in mind that two neighbouring properties have been granted permission for large garages/outbuildings.

ASSESSMENT

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

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Paragraph 145 of the National Planning Policy Framework states that the erection of a replacement building within the Green Belt is not inappropriate development provided that it does not result in the new building being materially larger than the one it replaces. The NPPF also states with regards to extensions that the extension or alteration of a building (inter alia) where they do not result in disproportionate additions over and above the size of the original building will not be considered as inappropriate development within the Green Belt. These exceptions are echoed in Policies H13 and H14 of the Warwick District Local Plan 2011-2029. Policy H13 states that proposals to replace existing dwellings must not be materially larger than the existing dwelling and have no greater impact on the character and openness of the rural area. Policy H14 states that extensions in excess of 30% over the original floor area are likely to be considered as disproportionate.

Planning application ref: W/12/1341 (Demolition of an existing detached house and construction of a replacement bungalow) granted planning permission for the erection of a replacement dwelling which was significantly larger than the one it replaced. The original two storey detached dwelling, Rose Cottage had a floor area of 114 square metres; the replacement bungalow approved within planning application ref: W/12/1341 had a floor area of 190 square metres, which represents an increase in floor area of 66.6%. At the time it was considered reasonable to allow a replacement dwelling within the Green Belt to include the 30% allowance for extensions over the original dwelling, provided that all outbuildings at the site were demolished. It was acknowledged that the proposed dwelling would have a greater gross floor area than Rose Cottage, however, together with the removal of the existing outbuildings and the significant lowering of property to single storey level it was considered that the proposed new replacement dwelling would not have a greater impact on the openness of the Green Belt provided permitted development rights were removed. Permitted Development Rights were removed in full for works which

fall into Schedule 2, Part 1 and Part 2 of the GPDO. This was in line with Policy H13 of the Local Plan (Replacement Dwellings in the Open Countryside) which was carried forward from the previous Local Plan and which states that "The Council will consider whether it is necessary to remove permitted development rights by condition when determining these applications".

Since the approval of planning application ref: W/12/1341 a number of subsequent planning applications have been submitted for alternative designs. The approved amended design within planning application ref: W/17/2163 was considered acceptable on that basis that it did not lead to an increase in the overall height, bulk and mass of the dwelling. The approved design and scale of the dwelling is therefore not materially larger than the replacement dwelling granted permission within planning application ref: W/12/2163. The design changes were therefore approved on the basis that they did not result in additional harm to the openness of the Green Belt. For consistency, the conditions attached to W/12/1341 were carried forward; Permitted Development Rights were removed in full for works which fall into Schedule 2, Part 1 and Part 2 of the GPDO.

In 2018 the applicant applied to vary the wording of Condition 3 (removal of Permitted Development Rights) for planning permission ref: W/17/2163, so that Schedule 2, Part 1, Class E Permitted Developments would be reinstated. During the course of the application's assessment, the applicant confirmed that their desire is to erect a detached garage to the side of the dwelling using the Schedule 2, Part 1, Class E rights. The application was refused at planning committee.

The replacement dwelling was granted permission on the basis of the demolition of the existing outbuildings and the removal of permitted development rights for subsequent extensions and outbuildings. The current application proposes the erection of new building within the residential curtilage. This would, by definition, result in harm to the openness of the Green Belt and would undermine the rationale for allowing the larger replacement dwelling in earlier applications. It is therefore considered necessary, in the interests of retaining the openness and rural setting of the Green Belt, that this application is refused.

It is considered that the erection of the replacement dwelling was deemed to be appropriate development subject to the aforementioned caveats. To approve the proposed erection of the triple bay garage and log store building would result in inappropriate development in the Green Belt which would be harmful by definition and by reason of harm to openness contrary to Policies DS18, H13 and the NPPF.

Within the submitted 'Planning and Green Belt Statement' the agent has provided a number of justifications for the proposed development;

- The proposed garage will not result in development which impacts the openness of the Green Belt or the reason for including land in the Green Belt, the land is already residential and this use will not change.

- Due to the extensive mature tree/hedge screening around the boundary of the plot the garage will only be visible in the immediate vicinity and will not be visible from further afield.
- Care has been taken to ensure that the design of the garage is in keeping with the character of the Green Belt. The architecture and style of the garage will be in keeping with the similar outbuildings in the locality, including the replacement stables with a barn building at Pear Tree Cottage/ Lavender Lodge, which is located directly opposite the property on the other side of Honiley Road. In addition to this a planning application for a similar oak framed building at "The Smithy" (ref: W/18/0674) was approved recently.

With regard to the first statement, for reasons previously discussed Officers cannot agree that the proposed outbuilding will have no impact on openness. The proposal is inappropriate development and therefore by definition is harmful to the Green Belt. Further, increasing the bulk and mass of buildings within the site will reduce the open nature of the landscape. It is considered not relevant that the land is already within residential use and not proposed to be changed, the primary issue is the impact to openness that a new building will have.

With regard to openness and rural character, screening around any plot of land is not considered to mitigate the impact of new buildings within the Green Belt. Unless protected by a Tree Preservation Order or located within the boundary of a Conservation Area, trees and hedgerows can be felled or removed without permission from the LPA. In this event, any previously screened buildings would become visible and cause significant interruption to uninterrupted views of the landscape. Paragraph 133 of the NPPF describes the essential characteristics of the Green Belt; openness and permanence. To introduce new buildings to the Green Belt, whether designed to be in keeping with local architecture or not, is at odds with the open character of the Green Belt and therefore harmful.

On the basis of the above, it is considered that planning permission to erect the proposed triple bay garage and log store should be refused.

Design and Impact upon the Character of the rural landscape and dwelling

Policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design.

The design of the proposed triple garage and log store building is considered to be in keeping with the rural character of the surrounding landscape. The building's design resembles an agricultural building which would not appear incongruous against the back drop of the surrounding Green Belt fields and paddock land.

Overall, the design of the proposed triple bay garage and log store building is considered acceptable and in accordance with Local Plan Policies BE1.

Impact on the amenity of the adjacent properties

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

It is considered that the proposed triple bay garage and log store building will have an acceptable impact upon the amenity of the adjacent neighbour dwelling. The proposed building is sited more than 8.0 metres from the south-east facing side elevation of Quince Cottage and will therefore not have an adverse impact on the outlook and light gained through the window which exists at ground floor level. No objections have been received from neighbours relating to amenity.

Based on the above, it is considered that the proposal is in accordance with Local Plan Policy BE3.

Ecology

The Ecologist at Warwickshire County Council raises no objection to the proposed building.

Access and Parking

Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

Wood Corner Cottage benefits from a substantial area for parking forward of its principal elevation. The proposed building will not be sited within the existing parking area and will therefore have no material impact on the current parking arrangements for the dwelling.

The proposal is therefore in accordance with Local Plan Policy TR3 and the Parking Standards SPD.

Summary/Conclusion

On the basis of the above, it is considered that planning permission to erect the proposed triple bay garage and log store should be refused. The proposed development fails to satisfy the criteria for Local Plan Policies DS18 and Paragraphs 143-145 of the NPPF.

REFUSAL REASONS

- 1 Wood Corner Cottage was granted permission as a replacement dwelling to Rose Cottage. The replacement dwelling is significantly larger in scale than Rose Cottage and was granted permission on the basis that all outbuildings at the site were demolished and permitted development rights were removed in full so that no further development could take place within the curtilage of the dwellinghouse without the approval of the local planning authority. An approval would also go against the very rationale for the approval of the larger replacement

dwelling and would result in harm by reason of inappropriateness and by reason of harm to openness. In the opinion of the Local Planning Authority, the construction of the proposed new building at Wood Corner Cottage represents inappropriate development in the Green Belt, which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified.

The proposed development is therefore contrary to the National Policy Framework and to Policy H14 of the Warwick District Local Plan 2011-2029.

Application No: [W 19 / 0950](#)

Town/Parish Council: Whitnash

Case Officer: Rebecca Compton

01926 456544 rebecca.compton@warwickdc.gov.uk

Registration Date: 06/06/19

Expiry Date: 01/08/19

65 Home Farm Crescent, Whitnash, Leamington Spa, CV31 2QZ

Erection of a single storey side and rear extension following the demolition of the existing car port and conservatory. FOR Mr R Margrave

This application is being presented to Committee as the applicant is a Councillor.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal seeks to erect a single storey side and rear extension.

THE SITE AND ITS LOCATION

The application property is a two storey semi-detached dwelling located on Home Farm Crescent towards the junction with Green Close, Leamington Spa.

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)

- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Whitnash Town Council: Raised no objection.

WCC Ecology: Recommend notes relating to amphibians and hedgehogs.

Public response: One neutral letter has been received raising queries regarding access to the site, boundary treatments and boundary lines.

ASSESSMENT

Design and impact on the street scene

The proposed single storey side and rear extensions are considered of an appropriate design for the existing property and shall be constructed using materials to match the existing property. The street scene is varied with a number of similar examples of side extensions in the immediate area, therefore the proposal is considered to be acceptable within the street scene.

The proposal is considered to comply with policy BE1.

Impact on the amenity of neighbouring properties

The proposed extensions will not breach the Council's adopted 45° line when taken from the nearest ground floor windows serving the immediate neighbours at 63 and 67 Home Farm Crescent. The proposal is not considered to present a negative impact on the amenity of the neighbouring properties with regards to light and outlook.

The proposal is considered to comply with policy BE3.

Parking

The proposed side extension will not impact on the current driveway parking for this property and will still provide sufficient space for 2 off road parking spaces in accordance with the adopted Parking Standards.

Conclusion

The proposed extensions are considered of an acceptable design and scale for the existing property that would be in keeping with the street scene. The proposed extensions would not present a negative impact on the amenity of the adjacent neighbouring properties with regard to light and outlook.

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 PROPOSED PLANS AND ELEVATIONS, BLOCK PLAN, and specification contained therein, submitted on 06th June 2019.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
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Application No: [W 19 / 0984](#)

Town/Parish Council: Stoneleigh
Case Officer: Lucy Hammond

Registration Date: 07/06/19

Expiry Date: 06/09/19

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Land to the north and south of the A45 (between Festival and Tollbar junctions) and land at the A45/Festival Roundabout, the A46/Tollbar Roundabout and at the junctions of the A444 with the A4114/Whitley Roundabout

Proposed removal of condition 13 of planning permission W/16/0239 as amended by W/18/2099 (outline application for the comprehensive development to accommodate offices, research & development facilities and light industrial uses (B1), hotel accommodation (C1), car showroom accommodation, small scale retail and catering establishments (A1, A3, A4 and/or A5), new countryside park, ground modelling work, remodelling of junctions on the existing highway network, associated parking, servicing and landscaping). Condition 13 relates to JLR's occupation of the first 8,500 sq.m. of floorspace of the development. FOR Jaguar Land Rover

This application is being presented to Committee due to the number of objections and objections from both Baginton and Stoneleigh & Ashow Parish Councils having been received.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission for the removal of this condition, subject to a Deed of Variation which would be required to amend the terms of the original S.106 Agreement by removing the associated clause (at 11.1) which duplicates the requirements of the occupancy condition. The rest of the S.106 Agreement would remain exactly as per the existing document.

DETAILS OF THE DEVELOPMENT

The application proposes the removal of condition 13 of planning permission no. W16/0239 (as amended most recently by W/18/2099) which currently allows for the occupation of the proposed UK Battery Industrialisation Centre facility either ahead of, or in parallel with, Jaguar Land Rover's occupation.

Removing the condition in its entirety would remove the restriction on the wider employment development from coming forward and being occupied in advance of employment floor space associated with Jaguar Land Rover.

No other changes are proposed to any other conditions which would remain as per the most recent decision notice (W/18/2099) which sets out the condition requirements of the outline planning permission.

THE SITE AND ITS LOCATION

The application relates to a substantial site that adjoins the southern edge of Coventry, covering an area of 105 hectares. The site includes land between Coventry Airport and the A45, land within the approved Whitley Business Park to the north of the A45 and land within and adjacent to various highways including the A45, A46, A444, A4114 and Leaf Lane. The site straddles the boundary between Warwick District and Coventry.

PLANNING HISTORY

In April 2016 Planning Committee resolved to grant planning permission subject to the completion of a section 106 agreement for the following development: "Comprehensive development comprising demolition of existing structures and the erection of new buildings to accommodate offices, research & development facilities and light industrial uses (Use Class B1), hotel accommodation (Use Class C1), car showroom accommodation, small scale retail and catering establishments (Use Classes A1, A3, A4 and/or A5), new countryside park, ground modelling work including the construction of landscaped bunds, construction of new roads/footpaths/cycle routes, remodelling of junctions on the existing highway network, associated parking, servicing and landscaping (outline application discharging access with all other matters reserved)" (Ref. W16/0239). The section 106 agreement was completed and the planning permission was issued in July 2017.

Prior to that the application site had formed part of the proposed Coventry and Warwickshire Gateway development, for which planning permission was refused by the Secretary of State in 2015 (Ref. W12/1143).

Subsequent applications to vary the conditions on planning permission no. W16/0239 were approved in January 2018 (Refs. W17/1411 & W17/1631). These authorised the following amendments:

- changes to the approved parameters plan to include a reduction in the number and extent of 'zones' within the development area to provide additional flexibility for the distribution of floorspace;
- other changes to the parameters plan to allow for the maximum AOD height to be increased for the zones on the western side of the development area, with the increase in height varying between 0.5m and 8.7m AOD;
- revised timings for the submission of the masterplan and design code, to allow these to be submitted with reserved matters applications rather than requiring details to be approved in advance of the submission of reserved matters;
- the formation of an additional access into the development from Rowley Road; and
- to allow for site preparation and earthworks to be commenced prior to the submission of certain design details.

A further application to vary conditions 21 and 25 of planning permission no. W16/0239 was approved in February 2019 (Ref. W18/2099). The purpose of this variation was to update the specific wording of these conditions to reflect the nature of recent highway works to the Interchange being undertaken. In November 2018 reserved matters consent was granted for the UK Battery Industrialisation Centre (Ref. W18/1717).

Most relevant to the consideration of this application is the approval in December 2018 of W/18/1942 which sought to vary condition 13 of W16/0239 to allow for the occupation of the proposed UK Battery Industrialisation Centre facility either ahead of, or in parallel with, Jaguar Land Rover's occupation as opposed to the original condition requirements which was for the first 8,500 sq m of floorspace within the development to be occupied by Jaguar Land Rover.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS8 - Employment Land (Warwick District Local Plan 2011-2029)
- DS9 - Employment Sites to be Allocated (Warwick District Local Plan 2011-2029)
- DS16 - Sub-Regional Employment Site (Warwick District Local Plan 2011-2029)
- DS19 - Review of the Local Plan (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- EC1 - Directing New Employment Development (Warwick District Local Plan 2011-2029)
- TC2 - Directing Retail Development (Warwick District Local Plan 2011-2029)
- TC17 - Local Shopping Facilities (Warwick District Local Plan 2011-2029)
- CT2 - Directing New or Extended Visitor Accommodation (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TR5 - Safe Operation of Aerodromes (Warwick Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS2 - Protecting Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)

- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Open Space (Supplementary Planning Document - June 2009)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Parking Standards (Supplementary Planning Document)
- Warwickshire Landscape Guidelines SPG
- Neighbourhood Plan
- Baginton & Bubbenhall Neighbourhood Plan 2018-2029

SUMMARY OF REPRESENTATIONS

Baginton Parish Council: Objection for the following reasons:

- There are serious concerns regarding the removal of condition 13 following the withdrawal/postponement announced by JLR
- The original application contained a clear and concise condition that supported the sub region site employment policy and economic development of the region/area, so much so it became a key part of the decision to grant permission in the first place
- Granting the removal of condition 13 will allow the floor space designated for occupation by JLR becoming null and void and as such no longer discharges the conditions of the economic and employment elements presented in the original application all of which carried significant weight to grant the original permission along with amendments being made to the Local Plan which took the area out of the Green Belt
- There was a commitment to provide highly skilled jobs in an extensive technology park; removing condition 13 means that this originally dedicated area could be used for almost anything and not that which was originally presented within the original planning application
- Had this been the proposal to begin with The PC believe planning permission would not have been granted
- The removal of condition 13 will potentially lead to an increase and potential extension to Gateway South; distribution, warehousing and associated elements do very little to the economic growth of the area and certainly do not deliver any of the economic arguments presented and agreed within the framework of the original application
- There is no indication as to what will happen to 8500 Sq metres of space nor what it will be used for, which is not acceptable
- This represents a significant variation from the original planning application which potentially removes any employment or economic benefits to the area
- All of the original economic and employment elements must be reviewed along with all the conditions and data that justified the planning permission granted
- If this is approved then the area should be returned to its former condition and reinstated as Green Belt

Stoneleigh & Ashow Parish Council: Objection which repeats verbatim the objection received from Baginton Parish Council as summarised above. Therefore, the content is not repeated below except for their concluding statement which sets out that the proposal fails and reverses the fundamental conditions of which the original planning permission was granted.

Ward Councillors Redford & Wright (joint response): Objection which repeats verbatim the comments and concerns of both Baginton Parish Council as well as Stoneleigh & Ashow Parish Council. As such, the comments are not summarised below.

Public response: 9 letters of objection received raising the following concerns:

- Development of Whitley South was justified based on the premise that (amongst other things) business would be in the field of very specialist manufacturing and research/development
- There are multiple examples around Coventry where large sites have been opened to wider employers. As a result, large industries requiring many highly skilled jobs have been replaced with warehouses and distribution parks, providing a small number of low paid and low-skilled jobs
- Whilst JLR no doubt sincerely wish to make good on their objective, the probability of JLR actually expanding in Coventry given the current economic climate is next to zero
- The primary aim of the UKBIC was to assist JLR in the development of electric vehicles. Now that JLR has partnered with BMW to develop electric vehicles UKBIC can no longer rely on the support of JLR so the government will be looking at the cost/benefit of funding UKBIC
- Revoking clause 13 is unacceptable as it risks a very valuable large site close to Coventry city centre and capable of supporting high-value jobs being squandered
- Development of this land removing it from green belt status was originally justified by WDC on the premise that businesses located there would be in the field of very specialist manufacturing and research/development - all associated with JLR. If JLR's interest is removed the special circumstances no longer exist
- The development should be halted and the site reverted back to Green Belt and farmland
- Removing the condition effectively frees JLR from any obligation; if it is truly their application and the purpose is to provide them needed facilities, then their decision to suspend the development and possibly abandon involvement should be fatal to the development
- The reason for continuing the development without their guaranteed involvement seems odd
- JLR have said they are simply suspending the development and may proceed with it in a few years, and nothing that they have said regarding the reasons could be said to be unforeseeable to anyone planning such a development, there seems to be no compelling reason not to simply wait and see what happens
- No reason has been given as to why the condition should be removed at this time
- The proposed removal of condition 13 is contrary to condition 11 of W/18/1942
- There is no clear indication of future JLR involvement or the type of business class that will replace the JLR facility
- This is already a highly congested area with significant pollution levels and with no distinct alternative business plan there are no very special

circumstances for the continuation of developing this site and it should be replanted and restored to Green Belt
The variation goes against the NPPF

ASSESSMENT

The reason given for imposing the condition in question was as follows:

Since the particular requirements of Jaguar Land Rover form part of the very special circumstances for permitting this inappropriate development within the Green Belt, in accordance with the NPPF.

At the time the condition was imposed, the site was within the Green Belt, and therefore planning permission was only granted on the basis of the very special circumstances that had been put forward by the applicant. These were centred on the requirements of Jaguar Land Rover for additional floor space in close proximity to their existing Whitley site and the significant economic benefits that this would bring.

The planning policy context for this site has subsequently changed with the adoption of the new Local Plan. This included the application site as part of an allocation for a sub-regional employment site. The new Local Plan also took the proposed development area out of the Green Belt. As a result, there is no longer any planning reason to insist on the occupation the first 8,500 sq m of the development by Jaguar Land Rover.

The applicant, in their supporting statement has referred to the supporting text for Policy DS16 which does not itself refer to Jaguar Land Rover, only the need for employment land. The policy is therefore not specific to Jaguar Land Rover but is for employment (B1, B2 and B8) uses generally.

It is noted that the remainder of the employment site has made good progress with reserved matters approval being granted for the UKBIC and the scheme is being delivered. The remainder of the employment allocation, including the UKBIC, would generate significant economic benefits in its own right. As such, there is no material planning reason to restrict the remainder of development on the employment allocation or hinder the ability of floor space to be delivered, marketed and occupied prior to Jaguar Land Rover's proposal from coming forward.

With regard to the comments of the Parish Councils, Ward Councillors and local residents the proposed removal of this condition will not impact on the delivery of the wider employment site, nor will it lessen the controls imposed by the other conditions on the outline permission. Furthermore, it would not dilute the economic benefits of the development.

One local resident has suggested that if the condition were to be removed, this would be contrary to the requirements of condition 11. However it is important to note that conditions 11 and 13 on the original permission are independent and completely separate from one another and as such there would be no contradiction following the removal of condition 13.

The original S.106 Agreement associated with the outline planning permission contained a clause which duplicated the requirements of condition 13. If the planning application to remove the condition were to be approved the S.106 Agreement would need to be varied accordingly. To that end, a Deed of Variation

is being prepared to omit the necessary reference to this occupancy restriction while the remainder of the agreement would remain the same as per the existing.

SUMMARY / CONCLUSION

The proposed variation of condition would accord with current planning policies and would not reduce the economic benefits of the proposed development. Therefore it is recommended that planning permission is granted for the proposed variation, subject to the completion of a Deed of Variation omitting the same clause related to the occupancy of floor space by Jaguar Land Rover.

- 1 Details of the following reserved matters for each phase of the development shall be submitted to and approved in writing by the local planning authority before any part of that phase of the development (other than demolition or ground works) is commenced:-
 - i) the layout of the phase and its relationship with existing adjoining development;
 - ii) the scale of the buildings;
 - iii) the appearance of the buildings; and
 - iv) the landscaping of the site.

REASON:

To comply with Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

- 2 Application for approval of the matters referred to in Condition 1 above must be made within 5 years of the date of this permission.

REASON:

To comply with Section 92 of the Town & Country Planning Act 1990 (as amended).

- 3 The development to which this permission relates shall begin within 5 years of the date of permission or within 2 years of the final approval of the reserved matters, whichever is the later.

REASON:

To comply with Section 92 of the Town & Country Planning Act 1990 (as amended).

- 4 Prior to the commencement of development, details regarding the phasing of the development shall be submitted to and approved in writing by the local planning authority and such details shall include:
 - i) a plan(s) showing the boundaries of each phase, the extent and use of building development in each phase, the phasing of works within the proposed Countryside Park and arrangements in respect of the phasing of all transportation infrastructure;
 - ii) temporary access arrangements for vehicles and pedestrians in respect of each phase;
 - iii) car parking arrangements in respect of each phase;
 - iv) any interim surface, boundary treatment, external lighting or

- landscaping measures;
- v) a report to demonstrate that the phasing proposals do not affect the conclusions of the noise and air quality assessments included in the Environmental Statement (including supplementary noise and air quality assessments and details of further mitigation measures, if necessary); and
- vi) a temporary drainage strategy in respect of each phase.

Once approved the development of each phase shall be carried out in full accordance with such approved details or any subsequent amendments so approved.

REASON:

To ensure that in the event of the development being carried out on a phased basis, satisfactory access and interim environmental treatment is incorporated within each phase, in the interests of public safety and visual amenity in accordance with Policies BE1, TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 5 In respect of the Reserved Matters to be submitted in accordance with Condition 1, the building ridge heights and footprints and the overall Gross Internal Area of all building floorspace shall be within the minimum and maximum limits set down in approved Parameters Plan drawing no. P16-0062-3E.

REASON:

To define the permission in the interests of urban design and highway safety and capacity in accordance with Policies BE1 & TR2 of the Warwick District Local Plan 2011-2029.

- 6 Any Reserved Matters application shall, where relevant to that phase of development:
 - i) Demonstrate that the proposals accord with the approved Parameters Plan drawing no. P16-0062-3E and the principles set down in the Design & Access Statement Addendum forming part of the approved application documentation;
 - ii) Define principles regarding building design, materials, elevational detailing and public realm hard/soft landscaping;
 - iii) Identify those trees to be retained or removed as part of the development and the number and location of new trees to be provided as compensation;
 - iv) Identify locations for public art features;
 - v) Show the location of each pond;
 - vi) Include design principles in respect of layout, scale, appearance and landscaping aimed at minimising its visual impact on the Lunt Roman Fort;
 - vii) Contain details on how permeability will be achieved in respect of the network of estate roads within the technology campus;
 - viii) Detail principles on how legibility will be achieved within the technology campus including design principles in respect of the new A45 bridge and land to the immediate south of it comprising the gateway into the development.
 - ix) Include landscape design principles for the technology campus

aimed at ensuring that soft landscaping within this area is satisfactorily integrated with the Countryside Park and neighbouring land.

- x) Contain principles in respect of disabled access throughout the development and to/from buildings.
- xi) Detail principles on how crime prevention matters will be addressed in respect of the development.

Any subsequent Reserved Matters applications shall accord with the approved Master Plan and Design Code.

REASON:

In the interests of urban design in accordance with Policies BE1 & HS7 of the Warwick District Local Plan 2011-2029.

- 7 The reserved matters to be submitted in accordance with Condition 1 for each phase shall include details of all earthworks, mounding and the finished floor levels of all buildings and structures, together with details of existing and proposed site levels in that phase and the relationship with adjacent land and buildings and such details shall accord with approved Parameters Plan drawing no. P16-0062-3E forming part of the approved application documentation.

REASON:

In the interests of urban design, to ensure that the mounds are in keeping with surrounding landscape and to ensure that the proposals do not harm the living conditions of nearby dwellings, in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029.

- 8 The reserved matters to be submitted in accordance with Condition 1 for each phase shall include sample details of facing, roofing and hard surfacing materials for that phase, such details to include information on the recycled/reclaimed content of such materials. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the local planning authority.

REASON:

In the interests of urban design in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 9 The gross floorspace of any unit the primary use of which falls within Class B1(a) of the Town & Country Planning (Use Classes) Order 1987 as amended erected under this permission shall not exceed 4999 square metres.

REASON:

To ensure that the development does not prejudice the provision of large scale office accommodation in town centres in accordance with EC1 of the Warwick District Local Plan 2011-2029.

- 10 No building approved under this permission used primarily for purposes falling within Class A1 of the Town & Country Planning (Use Classes) Order 1987 as amended (or in any Order revoking and re-enacting that

Order) shall exceed 250 square metres gross internal floor area.

REASON:

To safeguard the shopping strategies of the local planning authorities and to accord with Government Guidance in the NPPF which seeks to direct large scale retailing to Town Centre locations.

- 11 No car showroom floorspace or floorspace falling within Classes A1, A3, A4, A5 or C1 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be occupied unless and until at least 8,500 square metres (GFA) of floorspace falling within Use Class B1 of the said Order has been occupied within the technology campus.

REASON:

To ensure that the car showroom and other floorspace falling within Use Classes A1, A3, A4, A5 and C1 is only provided when it is needed to serve the employment uses which primarily comprise the development approved under this permission in accordance with Policy TC2 of the Warwick District Local Plan 2011-2029.

- 12 No more than 10% of the total B1 floorspace shall be occupied for purposes falling within Class B1a of the Town & Country Planning (Use Classes) Order 1987 as amended.

REASON:

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety and to ensure that the development is primarily a technology campus in accordance with the identified need.

- 13 Any soft landscaping referred to in Condition 1 in respect of each phase shall be completed in all respects within 6 months of the substantial completion of development in that phase. Any such landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from the substantial completion of development in that phase shall be replaced within the next planting season with landscaping of a similar size and species to that which they replace. Any replacement hedging, trees or shrubs 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 visual amenity in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 14 No demolition or construction works shall commence in any phase (including any ground remodelling works), until a Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment in respect of those trees earmarked for retention under Condition 6 above have been submitted to and approved in writing by the local planning authority. Thereafter, all demolition and construction works (including any ground remodelling works) in that phase shall be

undertaken in strict accordance with the approved Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment.

REASON:

To safeguard those trees to be retained in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029.

- 15 The existing trees, shrubs and hedges indicated under Condition 6 to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedges removed without such consent or 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 with tree(s), hedge(s) or shrub(s) of such size and species as have been approved in writing by the local planning authority. All tree(s), hedge(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces).

REASON:

To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029.

- 16 The construction of buildings and mounds within the technology campus shall be phased in strict accordance with the construction phasing plan (drawing no. 3924-1/004 P4).

REASON:

To ensure that the mounds provide screening for the development at the earliest opportunity, in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 17 Prior to commencement of site works including demolition, a detailed soil management plan, conforming to the *Defra Code of Practice for the Sustainable Use of Soils on Construction Sites (2009)*, will be submitted for approval by the local planning authority. The plan will detail proposals for soil stripping, movement, storage, and spreading and will also identify soil remediation works where required. All earthworks shall be carried out in strict accordance with the approved details.

REASON:

To ensure the sustainable management of the site's soil resource and to ensure that earthworks will provide the best opportunities for successful establishment and sustenance of landscape infrastructure and ecological services throughout the scheme, in accordance with Policies BE1 & NE4 of the Warwick District Local Plan 2011-2029.

- 18 The development hereby permitted shall not exceed 70,683 square

metres (GFA). Such development shall not exceed the following thresholds in respect of the specified uses as defined in the Town & Country Planning (Use Classes) Order 1987 as amended:

- 56,766 square metres (GFA) of B1 floorspace;
- 4,645 square metres (GFA) of car showroom floorspace;
- 11,617 square metres (GFA) of hotel floorspace; and
- 2,300 square metres (GFA) of A1, A3, A4 and A5 floorspace.

REASON:

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

- 19 No development shall take place other than site preparation and earthworks until a scheme of traffic impact mitigation at the A46/A45/A444 Stivichall interchange, which shall comprise at least the following works, has been submitted to and approved in writing by the local planning authority:

- Signalisation of the on slip approach from the A444 to A45;
- Signalisation of the off slip west bound from the A45 and removal of segregated left turn lane;
- Realignment of traffic lanes on the circulatory carriageway;
- Realignment of kerbs on the approaches/circulatory carriageway.

The mitigation scheme shall be informed by an assessment of the traffic impacts at this junction and its associated interaction with the A46A45(T) with the scope of this assessment to have been first agreed in writing by the local planning authority. The mitigation scheme approved under this condition shall be implemented in strict accordance with the approved details.

REASON:

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

- 20 No development shall take place other than site preparation and earthworks until the following details have first been submitted to and approved in writing by the local planning authority:

- i) Full details of how the site access provisions generally as illustrated on the General Arrangement Drawing 15-0752-100 and as amended by Toll Bar Junction Drawing 15-0752-107 Rev 1 will align with Highways England's A45 Tollbar End Improvement scheme;
- ii) Full details, of the proposed new A45 Grade Separated Junction as generally illustrated on General Arrangement Drawing Number 15-0752-100 Rev 1; and
- iii) Full details, of the proposed alterations to the A46 / A45 / A444

Stivichall Interchange.

The details to be submitted under this condition shall include:

- How the development scheme interfaces with the A45 / A46 trunk roads highway alignment, including full details as indicated within the design check list contained within HD19/15 of the Design Manual for Roads and Bridges (DMRB).
- Confirmation of full compliance with the current Design Manual for Roads and Bridges (DMRB), Interim Advice Notes (IANs), Traffic Sign Manual (TSM), Manual of Contract Documents for Highway Works (MCHW) and associated British Standards and Eurocodes and Department for Transport Policies, Local Transport Notes (LTNs), Traffic Advisory Leaflets (TALs) and Advice Notes and any necessary relaxations / departures from standards approved by the Highways Authority for the Strategic Road Network.
- Independent Stages One and Two Road Safety Audits carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) and related Interim Advice Notes (IANs) prior to construction. A Stage three RSA will be required prior to opening.
- Design stage Non-Motorised User Audit carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) standard and related Interim Advice Notes (IANs).

REASON:

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

- 21 Prior to the commencement of development, other than site preparation and earthworks, detailed design of the amendments to the existing cycleway along the northern edge of the A45 Stonebridge Highway shall be submitted to and approved in writing by the local planning authority. The design shall include details of the downgrading of the cycleway to a footway at the access to Stonebridge Meadows Local Nature Reserve (the SINC) and an appropriate signage strategy. The development shall be carried out in strict accordance with the details approved under this condition.

REASON:

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

- 22 Prior to the commencement of drainage works, details of the drainage strategy for the development site and highway works affecting the Strategic Road Network shall be submitted to and approved by the local planning authority. The drainage strategy shall ensure there is no connection (direct or indirect) to the trunk road drainage system. The drainage strategy shall thereafter be implemented in strict accordance with the approved details.

REASON:

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

- 23 No development shall commence other than site preparation and earthworks until full details of the site access provisions, in general accordance with drawing nos. THDA SK12 Rev C, THDA 15-0752 101 Rev 1 & THDA 15-0752 102 Rev 1, have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in strict accordance with the approved plans and permanently retained thereafter.

REASON:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 24 No construction shall commence in each phase until a Construction Management Plan for that phase has been submitted to and approved in writing by the local planning authority. This shall include a Construction Phasing Plan, HGV routing Plan, details of provision for HGV access and manoeuvring on site and details of employee car parking provision. The development shall be carried out in strict accordance with the Construction Management Plan approved under this condition.

REASON:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 25 Access to and departure from the development site by construction delivery vehicles shall not be permitted between 0730 hours and 0900 hours or between 1630 hours and 1800 hours.

REASON:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 26 No development shall commence other than site preparation and earthworks until details of the proposed accesses onto Rowley Road have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in accordance with the approved plans and permanently retained thereafter.

REASON:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 27 No construction shall commence on site until a detailed Highway Improvement Works Phasing Plan and Construction Sequence Programme/Timetable, linked to the extent of built floor space, and

generally in accordance with Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P27 and PHP Architects Construction Phasing Plan Including Highways and Earthworks 3924-1 004 rev P3 has been submitted to and approved in writing by the local planning authority. Thereafter the phasing of development shall be undertaken in full accordance with these approved details.

REASON:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 28 No more than 46,450 square metres (GFA) of development falling within Use Class B1 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be brought into use and occupied until the Phase 2 site access highway works as illustrated on Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P27 have been constructed in general accordance with the detailed highways drawings in respect of such phase 2 works forming part of the approved application documentation and is opened to traffic.

REASON:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 29 The construction of any highway structure as identified on TH:DA Drawing No. 15-0752 140 (Structures Location Plan) shall be undertaken only in full accordance with details, which shall include an approval in principle report, which have previously been submitted to and approved in writing by the local planning authority.

REASON:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 30 No highway works approved as part of the development shall be undertaken unless and until:

- i) a Stage 1 and 2 Safety Audit (incorporating associated designers responses); and
- ii) the details of any relaxations or departures from the highway standards utilised by the relevant Highway Authority at that time;

in respect of those highway works, have been submitted to and approved in writing by the local planning authority.

REASON:

In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 31 Street lighting shall be provided in respect of each phase of the development hereby permitted which involves the construction of highways, footpaths or cycleways in full accordance with details previously submitted to and approved in writing by the local planning authority.

REASON: In the interests of highway, pedestrian and cyclist safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 32 At all times following the completion and opening to traffic of the phase 3 highway works in respect of the new A45 junction between the Festival and Toll Bar Islands, as illustrated on Lawrence Walker Ltd Drawing no. Figure 2 Rev P27 (Site Access Proposed Improvements Phasing) signage, traffic signal or other traffic management arrangements shall be in place on Rowley Road in accordance with details previously submitted to and approved in writing by the local planning authority to discourage vehicles exiting the development from utilising the roundabout element of the completed Highways Agency Tollbar End Improvement Scheme in order to access the strategic highway network.

REASON: In the interests of promoting the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 33 No building within the development hereby permitted shall be occupied unless and until the following transportation infrastructure has been provided in respect of that building in accordance with Reserved Matters details submitted to and approved in writing by the local planning authority:

- i) Motor vehicle, pedestrian and cyclist access to that building from the boundary of the application site;
- ii) All the car parking approved for that building which shall include disabled car parking comprising at least 2% of the total number of car parking spaces provided for that building plus 6 further spaces;
- iii) Covered cycle and motorcycle parking; and
- iv) Servicing arrangements in respect of that building.

Thereafter such transportation infrastructure shall remain in place and available for such use at all times.

REASON:

In the interests of highway, pedestrian and cyclist safety and to promote sustainable transport choices in accordance Policies TR1 & TR3 of the Warwick District Local Plan 2011-2029.

- 34 The number of car parking spaces to be provided within the application site in respect of the development hereby permitted shall not exceed 2,500, of which a maximum of 500 shall be allocated for visitors and no more than 2,000 for the employees of the development. Provided the above limits are not exceeded, car parking shall be provided in accordance with the standards for low accessibility zones set out in the Council Vehicle Parking Standards Supplementary Planning Document.

REASON:

In the interests of highway safety and the promotion of sustainable

transport choices in accordance with Policies TR1, TR2 & TR3 of the Warwick District Local Plan 2011-2029.

- 35 Prior to any part of the development being brought into use and occupied a detailed Car Parking Management Strategy for the control, management and enforcement of on-site (development plot) parking and of off-site (access and distributor road) parking shall be submitted to and approved in writing by the local planning authority. Thereafter car parking associated with the development shall be managed in full accordance with this approved Strategy.

REASON:

In the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies TR1, TR2 & TR3 of the Warwick District Local Plan 2011-2029.

- 36 The reserved matters to be submitted in accordance with Condition 1 in respect of any single unit exceeding 1000 square metres (GFA) shall be accompanied by details of showering and changing facilities for employees working in or visiting that unit. Thereafter such approved facilities shall be provided in the construction of that unit and at all times following the first occupation of that unit those facilities shall remain in place and be available for use by persons employed in that unit.

REASON:

To promote sustainable transport choices in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 37 No development other than site preparation and earthworks shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 plus 20% critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- i) Full drainage calculations for a range of events (Microdrainage windes or similar)
- ii) Construction details for the ponds/swales
- iii) Details of how the scheme will be maintained and managed after completion.

REASON:

To prevent the increased risk of flooding both on and off site, to ensure the features are constructed to the necessary standard and to ensure long term maintenance of the sustainable drainage scheme in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029.

- 38 The development hereby permitted (other than site preparation and earthworks) shall not be commenced until such time as a scheme to provide details of the proposed bridges and bridge extensions has been submitted to, and approved in writing by, the local planning authority. The scheme shall include construction details, details of bridge openings and details of any floodplain compensatory works. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements in the scheme, or any alternative arrangements as may subsequently be agreed, in writing, by the local planning authority.

REASON:

To ensure the bridges and bridge extensions are constructed to a satisfactory standard and will not increase flood risk elsewhere in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029.

- 39 The development hereby permitted shall be carried out in strict accordance with the approved Flood Risk Assessment (dated 15/01/16, ref: WHI-BWB-EWE-XX-RP-EN-0001_FRA Rev C, prepared by BWB Consulting) and the following mitigation measures detailed within the Flood Risk Assessment:

- Finished floor levels to be set no lower than 600mm above the 1 in 100 year +20% flood level and at least 150mm above average surrounding ground level as recommended in Table 5.1.
- Provision of floodplain compensation for the new River Sowe bridge on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 7,199m³.
- Provision of floodplain compensation for the proposed A46 slip road crossing on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 2,263m³.

REASON:

To ensure runoff from the site is not increased, satisfactory storage is provided and water quality benefits are included in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029.

- 40 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that Order with or without modification, no structure shall be erected within Flood Zone 3 or the bridge and embankment floodplain compensation areas as delineated on drawing ref: WHI-BWB-EWE-XX-SK-EN-0010, S2, rev P1 (Masterplan showing Flood Zones).

REASON:

To ensure the bridges and bridge extensions will not increase flood risk elsewhere in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029.

- 41 The reserved matters submitted under Condition 1 above in respect of

any phase of the development shall include details for the disposal of foul sewage associated with any development in that phase. Thereafter infrastructure for the disposal of foul sewage in respect of that phase of the development shall be provided in accordance with the approved details before the development in that phase is first brought into use.

REASON:

To ensure that the development is provided with a satisfactory means of foul sewage drainage in accordance with FW2 of the Warwick District Local Plan 2011-2029.

- 42 No development shall take place until a scheme for the provision and management of compensatory habitat creation, to compensate for the impact of the proposed development on the River Sowe, has been submitted to and agreed in writing by the local planning authority. This should include an investigation into the feasibility of river bank and floodplain restoration. Thereafter the development shall be implemented in accordance with the approved scheme.

REASON:

To ensure that harm resulting from the development can be adequately mitigated in accordance with Paragraph 118 of the NPPF.

- 43 For the duration of highway construction works on Rowley Road and thereafter at all times following the completion of those highway works access for the Midland Air Museum to and from Rowley Road shall be maintained in accordance with details submitted to and approved in writing by the local planning authority.

REASON:

To safeguard this cultural facility.

- 44 The development hereby permitted shall not be commenced on the site occupied by Trinity Guild RFC unless and until:
- i) the Trinity Guild RFC have moved to a new site and playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities have been provided for the club on that site which are at least equivalent in terms of quantity and quality to those which the club currently have on their existing site in accordance with details submitted to and approved in writing by the local planning authority in consultation with Sport England and;
 - ii) those playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities on that new site are available for use by the club.

REASON:

To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures continuity of use and to accord with the NPPF.

- 45 No development shall take place on any phase of the development hereby permitted until arrangements have been made to secure the

implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The development shall be carried out in accordance with the programme so approved or any amended programme subsequently approved in writing by the local planning authority.

REASON: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

- 46 No part of the development hereby permitted shall be occupied until:
- i) details of measures to prevent illegal road racing or other anti-social or dangerous use of the roads within the development have been submitted to and approved in writing by the local planning authority; and
 - ii) the measures approved under i) have been implemented in strict accordance with the approved details in relation to that part.

REASON:

To minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029.

- 47 No part of the development hereby permitted shall be occupied until ANPR cameras have been provided in accordance with a scheme submitted to and approved in writing by the local planning authority. The ANPR equipment shall comply with the ACPO ANPR standards and with the information security requirements of Warwickshire Police. Warwickshire Police shall be provided with access to the live feeds from the ANPR cameras at all times thereafter.

REASON:

To minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029.

- 48 Fume extraction and odour control equipment (including external ducting flues) associated with any catering operation shall be properly installed in its entirety in accordance with details first submitted to and approved in writing by the local planning authority and such installation shall have been inspected by the local planning authority before that catering operation commences. Any external ducting shall be colour coated in accordance with the approved details within one month of its installation and any replacement or modification shall be colour coated to match within one month of its installation. The equipment shall be permanently operated and maintained in accordance with the manufacturer's specifications.

REASON:

In the interests of amenity in accordance with Policy NE5 of the

- 49 Noise arising from any plant or equipment within the application site, when measured one metre from the façade of any residential property, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

REASON:

To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 50 None of the buildings hereby permitted shall be first occupied until:
- i) a report detailing noise mitigation measures for the development (including noise calculations) has been submitted to and approved in writing by the District Planning Authority; and
 - ii) the noise mitigation measures approved under (i) have been implemented in strict accordance with the approved details.

The approved noise mitigation measures shall be maintained in a manner that achieves the noise attenuation specified in the report approved under (i) at all times thereafter.

REASON:

To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 51 The Construction Management Plan to be submitted under Condition 26 above shall also include detail in respect of those matters set out in Sections 4, 5 & 6 of the Construction Sequence and Programme report forming part of the approved application documentation and shall include details of measures to control dust and noise from construction activities.

REASON:

In the interests of highway safety and to protect the living conditions of nearby properties, in accordance with Policies BE3, TR1, TR2 & NE5 of the Warwick District Local Plan 2011-2029.

- 52 No development shall take place on any phase of development until a Low Emission Strategy for that phase has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details.

REASON:

To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy TR2 of the Warwick

- 53 No development shall take place on any phase of the development until:
- i) a preliminary risk assessment has been carried out (to 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;
 - ii) a site investigation has been undertaken in accordance with details approved by the local planning authority using the information obtained from the preliminary risk assessment;
 - iii) 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 and approved in writing by the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion.

No remediation should be undertaken before the method statement has been so approved. The approved remediation requirements shall thereafter be implemented in full and all development of the site shall accord with the approved method statement.

REASON:

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029.

- 54 If, during development, contamination not previously identified is found to be present at the site then no further development shall take place until an addendum to the remediation method statement has been submitted to and approved in writing by the local planning authority. The addendum to the method statement shall detail how this unsuspected contamination will be dealt with. The remediation requirements in the approved addendum to the method statement shall thereafter be implemented.

REASON:

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029.

- 55 No phase of the development shall be first occupied until a verification report demonstrating completion of the works set out in the approved remediation method statement and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The

report shall also include a plan (a "long-term monitoring and maintenance plan") for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in strict accordance with the approved details.

REASON:

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029.

- 56 No recycled aggregate shall be imported to any part of the application site to be used in the construction of the development hereby permitted until:
- i) a scheme of validation sampling has been submitted to and approved in writing by the local planning authority; and
 - ii) the recycled aggregate has been sampled in accordance with the scheme approved under i) and the results of the sampling have been submitted to and approved in writing by the local planning authority.

REASON:

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029.

- 57 No infiltration of surface water drainage into the ground shall be permitted other than with the express written consent of the local planning authority. This consent will only be granted for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

REASON:

To protect controlled waters and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029.

- 58 Construction work shall not begin on any phase of the development hereby permitted until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. No part of any phase of the development shall be occupied until the approved scheme has been implemented to the satisfaction of the District Planning Authority for that phase of the development.

REASON:

In the interests of fire safety in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 59 No development shall commence on any phase of the development hereby permitted, other than site preparation and earthworks, until a lighting scheme for that phase of the development, excluding street

lighting, has been submitted to and approved in writing by the local planning authority. No lighting shall be installed other than in strict accordance with the approved lighting schemes.

REASON:

To protect the amenities of the occupiers of nearby properties in the locality and the rural character of the area, in accordance with Policies BE3, NE2 & NE5 of the Warwick District Local Plan 2011-2029.

- 60 No work shall commence on any of the buildings permitted under this outline planning permission and any subsequent reserved matters approval unless and until a scheme showing how either a) at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b) a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials, has been submitted to and approved in writing by the local planning authority. No building shall be first occupied until all the works within this scheme in respect of that building have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

REASON:

To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy CC3 of the Warwick District Local Plan 2011-2029.

- 61 Prior to occupation of the development hereby permitted details of an improvement scheme at the A46 Stoneleigh junction and a programme defining trigger points for its full implementation shall be submitted to and agreed in writing by the Local Planning Authority following written confirmation of agreement by the Highways Authority for the A46 trunk road. The agreed A46 Stoneleigh junction improvement scheme shall thereafter be fully implemented in accordance with the approved details and programme or any amendments subsequently approved in writing by the Local Planning Authority in consultation with the Highway Authority for the A46 trunk road. **REASON:** To enable the A46 trunk road to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980.
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Planning Committee: 13 August 2019

Item Number: 13

Application No: [W 19 / 1007](#)

Town/Parish Council: Leamington Spa
Case Officer: Helena Obremski

Registration Date: 06/06/19

Expiry Date: 01/08/19

01926 456531 Helena.Obremski@warwickdc.gov.uk

Land off Leam Street, Leamington Spa, CV31 1DY

Proposed construction of two semi-detached cottages. FOR Ballinger Properties

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the erection of a pair of two storey semi-detached dwellings. The properties would be located within a parcel of land to the south west of Leam Street and alongside an existing pair of semi-detached dwellings.

Off-street parking would be provided within the site boundaries and each dwelling would have access to its own private amenity area.

This application seeks to overcome the reasons for refusal identified in previous scheme W/18/1963.

THE SITE AND ITS LOCATION

The application site lies at the end of a predominantly terraced street (Leam Street) which has had a number of infill properties constructed. The application site itself is currently in three parts:

1. A former area of private amenity space previously associated with flats called Albert Court at 172 Leam Terrace, which has now been fenced off and forms part of the application site.
2. A communal parking area which at this time is unmarked and associated with 27, 28, 29, and 32 Leam Street.
3. The former public house garden which now appears to have nil use. This area is unmanaged and bordered by brick walls and boundary treatment.

There are four properties currently directly served off the communal parking area. The site is to the side of a pair of semi detached properties 27 and 29 Leam Street which are of more modern construction than other properties on the street. Number 32 lies to the rear of the proposed parking area and is a

detached property which has two storeys but with dormers for some of the first floor to lower the eaves. 28 Leam Street to the north of the parking area is a modern two storey house with more simple architectural features.

The area is dominated by Victorian terraces with many retaining their original features including bay windows but interspersed with other historic buildings and modern infills. There are rear service alleys for bins and servicing one of which runs between 25 and 27 Leam Street.

Some of the large properties on Leam Terrace (to the east) have been converted into flats.

PLANNING HISTORY

In 2012 a planning application was submitted for a proposed change of use from Public House to residential and the demolition of two outbuildings and conversion of building to create three new dwelling units. Erection of two further dwelling units at rear of site (Ref. W/12/1530). This application was subsequently withdrawn.

In 2013 planning permission was refused but subsequently granted on appeal for the conversion of the ground floor of the Public House to a dwelling (Ref. W/13/0337).

In 2014 planning permission was refused and subsequently dismissed at appeal for the conversion of the rear wing of the former Public House into a dwelling and the erection of a pair of semi-detached dwellings on the former Public House garden (Ref. W/14/0728). The Inspector dismissed the appeal by reason of the unacceptable level of harm which would be caused to the occupants of 29 Leam Street as a result of the proposed access arrangements. Furthermore, the Inspector also concluded that the proposal would provide inadequate living conditions for the future occupiers of the proposed dwellings by virtue of a lack of outlook and oppressive internal environment.

In February 2018, an application for 2 x two bedroom cottages was received and considered under planning permission reference W/18/0389. Following detailed consideration of the issues on 9 May 2018, the application was refused for five reasons: 1. detrimental impact on neighbouring residential amenity; 2. inadequate living conditions for the future occupiers of the proposed dwellings; 3. harmful to the character of the area and Conservation Area; 4. lack of provision of contribution towards the improvement of local open spaces; 5. lack of information to demonstrate that the proposal would be resilient to surface water, fluvial and pluvial flooding.

In October 2018, a planning application for the erection of 2no. dwellings with associated works and car parking was received and assessed under reference W/18/1963. Following detailed consideration of the issues on 29th November 2018, the application was refused for three reasons: 1. lack of information to demonstrate that the proposal would be resilient to surface water, fluvial and pluvial flooding; 2. contrived, poor design; 3. loss of amenity to neighbouring properties.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- Guidance Documents
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Open Space (Supplementary Planning Document - June 2009)
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection, the proposal represents unsatisfactory infill development which has little regard to nearby design and is contrary to Local Plan policy H1 and BE1. The amenity enjoyed by residents of Albert Court has already been adversely affected by the setting aside of land for the provision of parking for the proposed development and is contrary to Local Plan policy BE3. The Town Council assumes that the distance separation guidance is contravened. The applicant's Flood Risk Assessment fails to acknowledge that the site has been significantly affected by flooding in the past.

Councillor Mangat: Request that the application is called before the Planning Committee if Officers are minded to grant.

Waste Management: No objection.

WCC Landscape: No objection.

WCC Ecology: No objection, subject to conditions and notes.

Environmental Protection: No objection, subject to conditions.

WCC LLFA: No objection, subject to conditions.

WCC Highways: No objection, subject to condition.

Environment Agency: No objection, subject to condition.

Tree Officer: No objection.

Public Responses: 27 Objections:

- overcrowding and overdevelopment of the site;
- poor quality design which is not inkeeping with the existing properties in terms of height, design, materials, scale, form, massing and number of bedrooms;
- detrimental impact on the Conservation Area;
- loss of public and private amenity areas to existing properties;
- impact on neighbouring residential amenity (loss of privacy, loss of light, noise and disturbance of construction works, inadequate distance separation, loss of amenity areas);
- impact on flooding;
- impact on existing parking stress and congestion;
- inadequate parking provision and no turning area provided;
- lack of electric vehicle charging points;
- access for emergency and refuse vehicles compromised;
- no cycle storage provided;
- impact on existing pollution levels;
- not beneficial to the community;
- sale of land which was amenity area serving Albert Court contravened legal requirements for lease owners, now proposed for parking provision;
- loss of open space with no public benefits;
- TPOs have been ignored;
- concern that fence is to be erected which would block access to existing parking;
- impact on wildlife;
- change of use required for amenity area serving Albert Court;
- inadequate waste storage arrangements;
- no provision for green infrastructure, energy saving or sustainability;
- land levels have been raised in the pub garden which were not approved by WDC.

ASSESSMENT

Principle of development

Local Plan policy H1 states that new housing will be permitted in the urban areas. The application site is identified as being within an urban area on the proposals maps and therefore the principle of housing on this site is considered to be acceptable.

The Town Council have commented that the application would be contrary to Local Plan policy H1 in that it would not harmonise well with the established character of the area. However, Local Plan policy H1 refers to the development of garden land harmonising well with its surroundings. Most of the site does not represent garden land, and has not been so for a substantial period of time, being an informal parking area and previous outdoor space for a former public

house. It does not represent public open space or an amenity area which some members of the public refer to.

Part of the site was formally a garden area serving Albert Court (fronting onto Leam Terrace). This has been sold to the applicant and has been formally sectioned off, and now benefits from an area of hardstanding. Officers have checked the planning permission for the construction of the flats and there is no planning condition which restricts the use of this land to amenity space for the occupiers of Albert Court. Therefore, in planning terms, the separation of this land from Albert Court is lawful. It is recognised that members of the public have presented a legal agreement which indicates that the occupiers of the flats should have access to the private amenity area which has been bought and sectioned off by the applicant. However, this represents a private legal matter, which must be addressed separately to this planning application.

Therefore, the principle of housing on this site is considered to be acceptable and the proposal is considered to be in accordance with Local Plan Policy H1. The impact on the character of the area is discussed below.

Impact on Amenity

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

There have been objections from members of the public regarding the impact of the proposed development on neighbouring residential amenity, including: loss of privacy, loss of light, noise and disturbance from construction works, inadequate distance separation and loss of amenity areas.

Impact on the living conditions of neighbouring dwellings

Since refusal of application W/18/0389, the access to the proposed dwellings has been widened because the applicant has purchased additional land, thus the proposal will not impact so significantly on the amenity of the occupiers of 29 Leam Street. The impact of the development on 29 Leam Street did not represent a reason for refusal under the most recent application. The vehicular movements in front of 27 and 29 Leam Street are not considered to be so different to the relationship which the existing properties along Leam Street have with parked vehicles and in fact 27 and 29 Leam Street have more relief than these properties from direct vehicular movements. There would be no conflict with the Council's adopted 45 degree guidance and there are no side facing windows serving 29 Leam Street which would be impacted. The proposal is therefore considered to have an acceptable impact on 27 and 29 Leam Street, which the proposed dwellings would sit adjacent to.

Under the previous application, whilst concern was noted by Officers in relation to the impact of additional parking next to 32 Leam Street in terms of disturbance for the occupiers, it was not considered that it would be so harmful as to warrant reason for refusal of the application. Parking would still be retained adjacent to this property as part of the current proposal. There would be a boundary treatment which would separate the application site and neighbouring property, and the area to be most impacted is the front amenity area serving 32 Leam Street, where they park their own vehicles. Furthermore, it should be noted that the land which has been purchased by the applicant could be used lawfully for parking vehicles without the need for planning permission. Therefore it is not considered that the proposed development would have such a detrimental impact on 32 Leam Street which would warrant reason for refusal of the application.

In reference to the impact on other neighbours adjoining the site, there is a row of terrace properties to the east of the site (Leam Terrace) which would sit opposite to the proposed dwellings. There are proposed habitable rooms with windows which would face towards the rear elevation of the existing dwellings. Both the proposed dwellings and existing properties which would face the side elevation of the proposed dwelling are two stories in height. Therefore, the required distance separation for this relationship is 22 metres. The proposal meets this requirement and it should also be noted that the proposed dwellings would be at a slight angle from the existing dwelling, thus further reducing the overall impact and perception of overlooking.

There is also a first floor window of the former public house which was converted to a residential property to the rear of the application site which serves a habitable room. This would be nearly 16 metres from the proposed development. The proposed dwelling which would be positioned immediately opposite to the existing dwelling has no rear facing windows serving habitable rooms (only one glazed which serves a non-habitable room and can be conditioned to be permanently obscured glazed and non-opening). The rear windows serving the second proposed dwelling would not overlook this window, and therefore, the proposed development would meet the required distance separation of 12 metres to an essentially blank elevation.

Environmental Health Officers note that the site is located within close proximity to existing residential dwellings, along a relatively narrow residential highway. They therefore recommend that a condition is attached for the provision of a Construction Management Plan prior to commencement of works on site. This would control nuisance from noise, dust, smoke, light and vehicular traffic movements. This is considered necessary to protect the amenity of neighbouring residents and will be added.

As the proposed development would not breach the Council's distance separation or 45 degree guidance, and for the above reasons, it is considered that the proposed development would have an acceptable impact on neighbouring residential amenity.

Provision of a satisfactory living environment for the proposed dwellings

As detailed above, there are no conflicts with the Council's adopted distance separation or 45 degree guidance.

The Residential Design Guide requires that for properties of 3 bedrooms, a private amenity area should be provided of at least 50sqm. Each proposed dwelling would benefit from the required sized amenity area. It should also be noted that a 2.5m hedge has been provided to the south of the patio area serving the proposed dwelling to east of the site. This is to ensure that privacy for the future occupiers is provided to screen views from the window serving the property to the rear of the site.

It is therefore considered that the proposed development would provide adequate living conditions for the future occupiers of the properties. The development is therefore considered to be in accordance with Local Plan policy BE3.

Impact on the character and appearance of the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) 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 193 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 196 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 HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the 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. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be

constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

The Town Council and members of the public have objected to the proposed development and stated that the proposal represents unsatisfactory infill development which has little regard to nearby design and is contrary to Local Plan policy BE1. Members of the public consider that the proposals represent overcrowding and overdevelopment of the site; that the proposal represents poor quality design which is not inkeeping with the existing properties in terms of height, design, materials, scale, form, massing and number of bedrooms; and that the development would have a detrimental impact on the Conservation Area.

The previous application was refused because the proposed dwellings were not considered to harmonise well with the existing street scene or Conservation Area. The proposal was considered to appear at odds with the existing character of the area and was considered to be a contrived and poorly considered design with regard to the position of windows and large amounts of brick walls. The proposed car parking spaces were also considered to poorly relate to the proposed dwellings.

The proposed dwellings have been amended to better reflect the character of the area. The proposed dwellings would be a semi-detached pair, of similar scale and proportions to 27 and 29 Leam Street. Brick dentil courses around the windows and door frames, chimneys and a fire wall pay respect to the setting of the Conservation Area and traditional details found within the nearby street scene. It is recognised that less traditional materials, such as roof tiles, rather than slate will be used. The Conservation Officer also recommends that the front elevation is amended to reflect the design of the adjacent properties. However, a balance has to be struck between providing a traditional form of development which sits comfortably within the Conservation Area, and a form of development which also respects the character of the immediate street scene. The character of the area is predominately traditional terraces, however, the site is positioned at the very end of a cul-de-sac which is not in a prominent position. Furthermore, the end of the road is characterised by a mixture of modern infill dwellings, which provide a more varied character within this section of the street scene.

Members of the public consider that, as the dwellings would be taller than some within the surrounding area, the proposal should be refused. However, as stated, this section of the street scene is mixed in character, including the heights of the existing properties, and therefore, as proposed the height of the properties is considered to be acceptable. A condition for provision of the finished floor levels will also be included. Members of the public also consider that the proposal represents overdevelopment of the site and that the number of bedrooms proposed is out of keeping with the area. The proposed dwellings are modest in size, but are provided with ample amenity areas, which are larger than many

within the surrounding area. Sufficient parking can be provided on site and many of the nearby properties are also 3 bedroom dwellings. Consequently, Officers have no reason to consider that the proposal would represent overdevelopment of the site.

It is therefore considered that, on balance, the design respects both the character of the Conservation Area and immediate street scene. A condition will still be imposed for the provision of sample materials to ensure a high quality finish. The proposal is considered to be in accordance with Local Plan policies BE1, HE1 and HE2.

Car parking and highway safety

There have been objections from the Town Council and members of the public that the development would impact on existing parking stress and congestion; that there is inadequate parking provision and no turning area provided; there is a lack of electric vehicle charging points; the access for emergency and refuse vehicles is compromised; and that there is no cycle storage provided.

The development would provide 2 spaces for each dwelling which is in accordance with the Council's adopted Vehicle Parking Standards guidance. The parking for 27 and 29 Leam Street is not formalised and the previous application showed 1 space per dwelling. There was no objection to the application on the basis of the impact on existing parking to these properties. Therefore, the proposal is considered to meet with the Council's required car parking standards.

WCC Highways have raised no objection to the proposed development in terms of the parking or access arrangements and have requested that a condition is attached to ensure that the turning area is provided prior to occupation of the site, which will be added. Officers consider that owing to the relatively constrained nature of the site in terms of parking provision and access arrangements, it would be prudent to require that as part of the Construction Management Plan details of where construction vehicles would be located during works are provided (which was also requested by WCC Highways under previous applications) to protect neighbouring residential amenity.

Secure cycle parking can be accommodated within the amenity areas of each property and a condition can be attached for the provision of electric charging points.

Therefore, whilst the concerns of the Town Council and members of the public are acknowledged in reference to highway safety and parking, as the development provides adequate parking and access arrangements, the development is considered to be in accordance with Local Plan policies TR1 and TR3.

Flood Risk

There have been objections from the Town Council and members of the public that the development would have a harmful impact on existing flooding potential. They raise concern that the applicant's flood risk assessment fails to take into account past flood events.

The site is situated within Flood Zone 2 and the Environment Agency have been consulted. Previously, the Environment Agency and WCC LLFA objected to the proposed development due to a lack of information to assess the application. However, this has been provided in support of the current application. Subject to conditions requiring the provision of a detailed surface water drainage scheme and a condition to ensure that the development is carried out in accordance with the details submitted, the Environment Agency and WCC LLFA have no objection to the proposal.

The proposal is therefore considered to be in accordance with Local Plan policies FW1 and FW2.

Waste

Members of the public have objected to the proposed development as they consider that inadequate waste storage arrangements are provided.

However, adequate waste storage can be accommodated within the site boundaries. It is also noted that waste management have no objection to the proposed development.

Ecological Impact

Members of the public have objected to the proposed development owing to the detrimental impact which the proposed development would have on wildlife. However, WCC Ecology have commented on the application and have no objection to the proposed development, subject to the inclusion of notes relating to nesting birds, reptiles, amphibians and hedgehogs, which will be added.

WCC Ecology also request a condition for the protection of existing trees on site. The Tree Officer notes that there is an immature hornbeam on the site, along the northern boundary; but because of their ultimate mass and stature hornbeam do not mix particularly well with intimate development and so the Tree Officer has no objection of its removal. Furthermore, the Tree Officer states that there is little else of arboricultural interest within the site boundary. It would therefore be unreasonable to insist on the retention or protection of trees on site on this basis. The protected species advisory notes are considered to be satisfactory for the protection of wildlife.

There have been comments received that TPO trees were cut down previously by the applicant. However, the Case Officer has checked this matter with Planning Enforcement who have confirmed that some shrubs and bushes were removed around the perimeter of the site, but no trees have been cut down, and there are no TPOs listed within the site boundaries.

The proposal is therefore considered to be in accordance with Local Plan policy NE2.

Other matters

Environmental Protection note that there will be an increase in vehicular traffic and to mitigate the impact on air quality a condition should be imposed to ensure that electric charging points are provided, which will be added. Members of the public also raise concerns regarding the impact of the proposed development on existing pollution levels and the fact that there is no provision for green infrastructure, energy saving or sustainability. However, the required level of mitigation in accordance with the Council's Air Quality Mitigation Guidance can be secured by condition, which will mitigate against the impact of the development. Furthermore, energy saving and sustainability will be addressed by Building Control. There is no requirement for green infrastructure for this scale of development within the Local Plan.

There have been objections from members of the public that there would a loss of open space, particularly in reference to the loss of the former public house garden. However, the former public house was converted some time ago to a separate residential property and the former pub garden has never been a public area of open space.

Members of the public consider that the development would not be beneficial to the community and there are no public benefits. However, for the reasons stated above, Officers have no material planning reason to refuse the application and the NPPF states that there is a presumption in favour of sustainable development, unless material circumstances indicate otherwise.

Members of the public have raised concerns that a fence will be erected which would block access to existing parking. However, a condition will be attached so that the parking and turning areas have to be maintained as such to ensure that there would be no impact on existing onstreet parking.

Members of the public state that a change of use is required for the amenity area serving Albert Court which is to be used for parking. However, in planning terms, the use as parking or as a garden area would still be in the same use, being for residential purposes, and no change of use is required.

Members of the public raise concerns regarding the fact that the land levels have been raised in the pub garden which were not approved by WDC. Notwithstanding the fact that the land levels have been increased without planning permission, a condition will be attached for the provision of details of the finished floor levels to ensure that the proposed dwellings would not be out of keeping or overbearing on neighbouring residential amenity.

CONCLUSION

The proposed semi-detached dwellings have been appropriately designed to sit comfortably within the street scene and Conservation Area. The proposed development would have an acceptable impact on neighbouring residential amenity and would provide adequate living conditions for the future occupiers. Adequate parking has been provided which meets with the Council's Vehicle Parking Standards and the proposal would not have a harmful impact on protected species. The proposed development should therefore be approved.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 5214/03G and 5214/04G submitted on 6th June 2019 and drawing 5214/02L submitted on 23rd July 2019, 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 (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: the parking of vehicles of site operatives and visitors; hours of work and deliveries; control measures to reduce noise; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and details of external work lighting. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.
- 4 No development and subsequent use of the development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
 - Undertake infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
 - If infiltration is not viable, limit the discharge rate to 1 l/s and provide provision of surface water attenuation storage in accordance with '*Science Report SC030219 Rainfall Management for Developments*'.
 - Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
 - If infiltration is not viable, provide evidence to show an agreement

from Severn Trent Water to connect to the existing combined sewer network.

- Provide and implement a maintenance plan to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

REASON: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Warwick District Local Plan 2011 - 2020 policies FW1 and FW2.

- 5 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.
- 6 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 or any subsequently approved amendments. **REASON:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 7 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 8 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of

traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

- 9 The development shall be carried out in accordance with the submitted flood risk assessment (ref 'Flood Risk Assessment for Land at Public House, Radford Road, Leamington Spa, CV31 1JZ' prepared August 2018) and the following mitigation measures:
- Finished floor levels shall be set no lower than 300mm above existing ground levels.
 - Flood resilience to be designed up to 900mm above ground level.
 - No Ground floor sleeping accommodation.
- These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. **REASON:** To reduce the risk of flooding to the proposed development and future occupants in accordance with Warwick District Council Local Plan 2011 - 2029 policy FW1.
- 10 Prior to the occupation of the development hereby permitted, the first floor rear facing window in the south elevation serving the bathroom to the western plot shown on the approved plans 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.
- 11 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: 13 August 2019

Item Number: 14

Enforcement Reference: ACT 122/19

Registration Date: N/A

Town/Parish Council: Warwick

Expiry Date: N/A

Case Officer: Robert Dawson

Robert.dawson@warwickdc.gov.uk

The Master's House, Saltisford Road, Warwick

**REQUEST TO ISSUE SECTION 54 AND SECTION 55 NOTICES: URGENT WORKS
FOR THE PRESERVATION OF A LISTED BUILDING**

RECOMMENDATION

Planning Committee are recommended to authorise the issue of a Notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 on the relevant parties in respect of The Master's House, Saltisford Road, Warwick, aka the Leper Hospital, and authorise the Head of Development Services to take all necessary steps to implement the works which appear to be urgently necessary for the preservation of the building.

Planning Committee are also recommended to authorise the issue of a Notice directed at the recovery of the expenses of the above works from the relevant parties under Section 55 of the same Act and authorise the Head of Development Services to take all necessary steps to recover those costs should it become necessary to do so.

THE SITE AND ITS LOCATION

The Leper Hospital site contains the remains of St Michael's Church (106 & 108 Saltisford (Listed building entry 1035366)) and a 15th Century two-story timber framed building known as a Master's House (4, 5 and 6 St Michael's Court, Saltisford, Warwick (Listed building entry 1364850)), which is the subject of this report. The buildings are Grade II* listed and are situated on a Scheduled Monument (List entry 1011035). It is one of only three known examples of leper hospitals in the county.

This Scheduled Ancient Monument includes the below ground remains of a leper hospital, chapel, and cemetery, located outside the medieval settlement of Warwick. The present focus of the hospital complex is formed by the upstanding chapel, a single cell stone building of 15th century date, and a late 15th or early 16th century timber-framed building, known as the Master's House, situated to the north of the chapel. Although partially rebuilt, the buildings are contemporary with the later medieval development of the site. The standing buildings are considered to overlie the remains of earlier medieval hospital buildings which extend across the whole of the site. These include an earlier chapel, the infirmary and the cemetery which coexisted on the site.

The chapel and the Master's House are both listed Grade II* and are excluded from the scheduling, although the ground beneath both of them, which is

believed to contain evidence of structures relating to the earlier development of the hospital, is included.

PLANNING HISTORY

In February 2007 planning permission in respect of application W/04/2128 was granted for the conversion of the former chapel and Master's House to offices along with the construction of an office building to the rear of the site and associated car parking to all buildings. Scheduled Monument Consent was granted in 2009. Despite these planning consents and the owner having undertaken remedial repair works to the Chapel the site remains undeveloped, with the Master's House exposed to the elements. The buildings therefore remain on the Heritage at Risk Register with the Master's House condition described as being "very bad", the most serious of categories.

BACKGROUND

As recently as 2001 the land formed part of a larger parcel of land owned by Warwick District Council. The Council had produced a development brief which resulted in the regeneration of the area with all the land redeveloped except for the Leper Hospital. This land was purchased by a private company and the ownership remains with this company.

This Council has sought a solution for the site over many years. The site contains designated heritage assets of the highest significance yet its current state can reasonably be described as an embarrassment to the town and it has caused great concern to local Councillors and residents.

In 2012, this Council's Executive approved a Warwick Heritage Improvement Programme of projects and feasibility studies to see redundant buildings in Warwick brought back in to use. This programme has been successful with the *old Gasworks* and *Printworks* being redeveloped for affordable housing. The outstanding project is the Leper Hospital site.

Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 enables local authorities to execute any works which appear to them to be urgently necessary for the preservation of a listed building in their area should the owner of the land not undertake the repairs.

The works which may be executed under this section may consist of or include works for affording temporary support or shelter for the building.

The Act also includes a provision whereby the local authority can seek to recoup the cost of those works by way of service of a Notice under Section 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In this particular case, a report is being considered by Executive on 21 August concerning the funding of the urgent works whilst this report is seeking authority for the issue of the Notices and the undertaking of the works should that become necessary.

PROPOSAL

A structural survey and assessment of the building has been compiled by specialist surveyors following an inspection on 9th May 2019 commissioned by the Council. This concluded that the building is in poor condition and in urgent need of works to stabilise and protect it from the elements to avoid further deterioration and loss of an important heritage asset within the district. The report identifies lateral movement of the building in Bay 1 and the lack of a stable structure at foundation level because of the condition of timbers at low level and the condition of the stone/brick plinth.

Several previous attempts have been made to stabilise the building however these did not follow a particular strategy and were largely reactive measures. The building had until recently been cocooned in a tarpaulin which has been blown off by the wind.

The survey recommends that internal scaffolding be erected that supports the roof structure, relieving the load at lower levels and stabilising the building laterally. It is not necessary to dismantle existing scaffolding as this could disturb the various props supporting the structure. It is also recommended that a protective tarpaulin or other suitable protection be reinstated as soon as possible in order to limit any further damage to the historic fabric from the elements.

In order to proceed with the preservation of this designated heritage asset, it is now considered appropriate to ask the Planning Committee to authorise the Head of Development Services to issue a Section 54 Notice which will allow the Council to carry out the works after a period of 7 days has elapsed from the date that the Notice is served to the owner.

In the event that the Council carries out these works, it is also appropriate to ask Committee to authorise the issue of a Section 55 notice directed at the reimbursement of the costs of undertaking the works should it become necessary to do so.

CONCLUSION

It is recommended that Planning Committee authorises the issue of the Notices in order for the Council to take the steps to implement works which are considered urgently necessary for the preservation of the building and to enable any expenses incurred by the council to be recovered from the owner.