

Planning Committee

Tuesday 31 March 2015

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 31 March 2015 at 6.00pm.

Councillor Rhead (Chairman)

Councillor Brookes (Vice Chairman)

Councillor Boad

Councillor Weber

Councillor Mrs Bromley

Councillor Wilkinson

Councillor Mrs Bunker

Councillor Williams

Councillor Ms De-Lara-Bond

Vacancy – Independent Group

Councillor Doody

Emergency Procedure

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

Agenda

Part A – General

*1. Substitutes

To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

*2. Declarations of Interest

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

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

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

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

***3. Site Visits**

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

***4. Minutes**

To confirm the minutes of the Planning Committee of 3 February and 3 March 2015
(Item 4/Page 1)

Part B – Planning Applications

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

- *5. W15/0271 – Grove Farm, Harbury Lane, Bishops Tachbrook** **(Item 5/Page 1)**
****This is a Major Application****
- *6. W15/1865 – Grove Farm, Harbury Lane, Bishops Tachbrook** **(Item 6/Page 1)**
****This is a Major Application****
- *7. W14/0967 – Land north of Gallows Hill, Warwick** **(Item 7/Page 1)**
****This is a Major Application****
- *8. W15/0083 – Car Park, Commainge Close, Warwick** **(Item 8/Page 1)**
****This is a Major Application****
- *9. W14/1713 – Homebase Ltd, Myton Road, Royal Leamington Spa** **(Item 9/Page 1)**
****This is a Major Application****
- *10. W15/0160 – Quarry Park Disc Golf, Old Milverton Lane, Royal Leamington Spa** **(Item 10/Page 1)**
- *11. W15/0161 – The Barn, 1 Sabin Drive, Weston under Wetherley** **(Item 11/Page 1)**
- *12. W14/1842 – 18 Lee Road, Royal Leamington Spa** **(Item 12/Page 1)**
- *13. W15/0090 – 28 Clarendon Street, Royal Leamington Spa** **(Item 13/Page 1)**
- *14. W15/0163 – 104 Telford Avenue, Lillington, Royal Leamington Spa** **(Item 14/Page 1)**
- *15. W15/0185 – Plot 3001 Tournament Fields, Stratford Road, Warwick** **(Item 15/Page 1)**
****This is a Major Application****

(*Denotes those items upon which decisions will be made under delegated powers, as previously granted by Council).

Part C – Other matters

- *16. Wall at Barford House, Wellesbourne Road, Barford** **(Item 16/Page 1)**

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 being put before the Committee. If you wish to do so, please call 01926 353362 (Monday to Thursday 8:00am to 7:00pm, Friday 8:00am to 6:00pm and Saturday 9:00am to 1pm) or email committee@warwickdc.gov.uk, anytime after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note, that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public - Have registered to address the Committee.
- (e) occasionally items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's web site, and where possible, the applicant and all registered speakers (where applicable) will be notified via telephone.

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For enquiries about specific reports, please contact the Case Officer named in the reports.

You can e-mail the members of the Planning Committee at

planningcommittee@warwickdc.gov.uk

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The agenda is available in large print on request, prior to the meeting, by telephoning (01926) 353362

Planning Committee

Minutes of the meeting held on Tuesday 3 February 2015 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Rhead (Chairman); Councillors Mrs Bromley, Mrs Bunker, Davies, Ms De-Lara-Bond, Mrs Syson, Weber, Wilkinson and Williams.

Apologies for absence were received from Councillor MacKay.

136. **Substitutes**

Councillor Davies substituted for Councillor Doody and Councillor Mrs Syson substituted for Councillor Boad.

137. **Declarations of Interest**

Minute Number 140 – W14/1809 – Land at Foxes Study, Warwick Castle, Castle Hill, Warwick

Councillor Mrs Syson declared an interest because she was present at the Conservation Advisory Forum meeting when the item was discussed.

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

Minute Number 141 – W14/1743 – Hatton Country World, Dark Lane, Hatton

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

Minute Number 143 – W14/1664 – Petrol Filling Station, 130 Rugby Road, Royal Leamington Spa

All Planning Committee members and substitutes declared an interest because the application site was located opposite to a fellow Councillor's family business.

In addition, Councillor Mrs Syson declared an interest because the application site was in her Ward.

Minute Number 144 – W14/1807 – 1 Lancaster Place, Kenilworth

Councillor Davies declared an interest because he was speaking in support of the application and would leave the room whilst the item was deliberated and a decision reached.

PLANNING COMMITTEE MINUTES (Continued)

Minute Number 145 – W14/1678 – Land off, Hill Wootton Road, Hill Wootton

Councillor Mrs Bunker declared an interest because the applicant was known to her.

138. Site Visits

To assist with decision making, Councillors Mrs Bromley, Mrs Bunker, Ms De-Lara-Bond, Rhead, Syson and Weber visited the following application sites on Saturday 31 January 2015:

W14/1807 – 1 Lancaster Place, Kenilworth

W14/1678 – Land off Hill Wootton Road, Hill Wootton

W14/1811 – 14 Charnwood Way, Lillington

W14/1664 – Petrol Filling Station, 130 Rugby Road, Royal Leamington Spa

139. Minutes

The minutes of the meeting held on 6 January 2015 were agreed and signed by the Chairman as a correct record.

140. W14/1809 – Land at Foxes Study, Warwick Castle, Castle Hill, Warwick

The Committee considered an application, from Merlin Attractions Operations Ltd, for the proposed use of land as a temporary medieval glamorous camping site for approximately five months between 1 May and 30 September each year, up to and including 2017.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

DP6 - Access (Warwick District Local Plan 1996 - 2011)

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)

DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)
RAP15 - Camping and Caravanning Sites (Warwick District Local Plan 1996 - 2011)
RAP16 - Directing New Visitor Accommodation (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CT1 - Directing New Tourism, Leisure and Cultural Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CT2 - Directing New or Extended Visitor Accommodation (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
CT4 - Extensions to Tourism, Cultural or Leisure Facilities in Rural Areas (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
CT6 - Camping and Caravan Sites (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
CT7 - Warwick Castle and Warwick Racecourse/St Mary's Lands (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE4 - Protecting Historic Parks and Gardens (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

PLANNING COMMITTEE MINUTES (Continued)

It was the officer's opinion that the proposed development was acceptable in principle and did not adversely affect the historic integrity, character or setting of the listed building or the registered park and garden. The proposals preserved the character and appearance of the Conservation Area and did not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

An addendum provided at the meeting advised that three further objections had been received, including one from The Warwick Society along with two further comments in support of the application.

The addendum also included an update from the District Council's Conservation Officer and the Environmental Health officer. WCC Ecology had also proposed an additional condition to secure annual pre-commencement checks for protected and notable species and, as necessary, mitigation.

The following people addressed the Committee:
Councillor Mrs Littlejohn, Warwick Town Council in support of the application;
Mr MacKay, Conservation Advisory Forum, Dr Hodgetts, Garden History Society, Dr Hyland, Tree Warden and Mrs Woodward, local resident and Tree Warden all spoke in objection; and
Mrs Butcher, a representative of Warwick Chamber of Trade, and Mr Spooner, on behalf of the applicant, both spoke in support of the application.

Members discussed the economic benefits that the Castle brought to the area and were mindful that this application was the same as the permission granted for temporary permission in February 2014. Councillor Mrs Bunker asked officers if it would be possible to look at adjusting the position of the tents each season to assist with the recovery of the affected ground.

In response, it was agreed that officers would discuss with the applicant the possibility of introducing an element of flexibility regarding the positioning of the tents to assist with ground recovery.

Councillor Mrs Bromley questioned the fact that no noise complaints had been registered with the Environmental Health team but officers assured her that this was correct and was most likely as a direct result of the effectiveness of the noise management plan that was in place.

Members agreed that a liaison group should be set up with representatives from all interested parties and any concerns could be fed into the group for discussion and resolution.

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

Resolved that application W14/1809 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this
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PLANNING COMMITTEE MINUTES (Continued)

permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

- (2) the seasonal glamping tents hereby permitted and associated seasonal support facilities/ infrastructure shall only be occupied between 1 May and 30 September each year. That use shall be permanently discontinued on or before 30 September 2017. Annual works to erect the structures/facilities shall not commence more than 3 weeks before 1st May and all seasonal structures, facilities and infrastructure shall have been be completely removed within two weeks after 30th September and the pitches restored to their former condition including their decompaction using 'Terralift' methodology followed by reseeded using an indigenous grass seed mix. A copy of the Terralift completion certificate produced by the decompaction company shall be submitted to the local planning authority by 2nd December each year. **Reason:** To ensure that demountable structures relating to the seasonal element of the scheme hereby permitted are not unnecessarily retained on site and reduce the likelihood of visual deterioration, which may cause the structures/land to become injurious to the amenities of the area contrary to Policies DP1, DAP4, DAP8 and DAP11 of the Warwick District Local Plan 1996-2011 and the aims and objectives of NPPF 2012;
- (3) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings (drawing numbers 353/17-1, 353/17-5, 353/17-6, WCV JTA PR AL 130 P3, 131 P1, 132 P1, 230 P3, 231 P1, 330 P3, 331 P3, 332 P1 & 333 P1) and specification contained therein, submitted on 18 December 2014. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (4) the development hereby permitted shall not commence until a detailed lighting scheme has been submitted to and agreed in writing by the Local Planning Authority. In discharging this condition the Local Planning Authority expects lighting to be restricted around the boundary edges, around known bat roosts and badgers

PLANNING COMMITTEE MINUTES (Continued)

setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

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

The agreed scheme shall be implemented in strict accordance with the approved scheme.

Reason: To ensure appropriate measures are taken in relation to protected species;

- (5) the Noise Management Plan submitted as part of the planning application shall be implemented in full and thereafter all activities taking place pursuant to this planning permission shall be carried out in accordance with its provisions. The plan shall be reviewed and agreed in writing by the Local Planning Authority every year following approval until the expiry of this planning permission.

Reason: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (6) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 or constructed without a detailed scheme having first been submitted to an approved in writing by the Local Planning Authority. All details shall be carried out as approved and shall not be altered in any way. **Reason:** That having regard to the sensitive nature of the application site it is important to ensure that no further development is carried out which would detract from the appearance of the area in accordance with Policies DP1, DAP4 and DAP11 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF 2012;

- (7) annual pre-commencement checks are

PLANNING COMMITTEE MINUTES (Continued)

undertaken in relation to protected and notable species and, as necessary, any resulting mitigation measures; and

- (8) a liaison group will be set up involving local residents, Warwick Town Council, Warwick Castle and WDC officers to identify and address concerns.

Councillor Weber arrived part way through the public speaking section of this application and therefore refrained from voting on the item.

141. W14/1743 – Hatton Country World, Dark Lane, Hatton, Warwick

The Committee considered an application, from Hatton Country World, for the formation of an earth mound incorporating steps, platform, and two tubes to provide an outdoor slide facility, after removal of the existing maze.

The application was presented to the Committee because there had been more than five letters of support and the officers had recommended refusal.

The officer considered the following policies to be relevant:

National Planning Policy Framework
SSP8 - Hatton Country World (Warwick District Local Plan 1996 - 2011)
Future Use and Development of Hatton Country World - Supplementary Planning
Guidance (2000)

It was the officer's opinion that the proposed development represented inappropriate development, harmful by definition and by reason of harm to openness. Officers felt that no very special circumstances had been provided which could be considered to outweigh the harm to the Green Belt identified and, therefore, the application was contrary to the aforementioned policies and the NPPF and should be refused.

An addendum provided at the meeting advised of a letter of support from Councillor Mrs Sawdon, five further letters of support and one objection being received.

Mr Laister addressed the Committee, on behalf of the applicant, in support of the application.

Members were sympathetic with the applicant's issue of falling visitor numbers and for the need to encourage custom and increase turnover. In addition, Members felt that outdoor recreation and rural economies should be supported.

The height of the construction was debated and how much of a visual impact it would have on the openness of the countryside.

PLANNING COMMITTEE MINUTES (Continued)

It was proposed by Councillor Williams and seconded by Councillor Brookes that the application should be granted, contrary to the officers' recommendation. This proposal was lost four votes to five.

Members felt that the height of the construction was just too large and were disappointed when officers highlighted that there had been no pre-application discussions held with the applicant. Officers assured Members that they would be willing to work with the applicant to help develop a more suitable solution.

Following consideration of the report, presentation, the representation made at the meeting and the information contained in the addendum, the Committee

Resolved that application W14/1743 be **refused** because the National Planning Policy Framework states that inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The National Planning Policy Framework identifies that LPAs should regard the construction of new buildings as inappropriate in the Green Belt.

Hatton Country World is located within the Green Belt. In the opinion of the Local Planning Authority, the proposed mound, platform, steps and tubes taken as a whole are considered to constitute a building which is considered to be inappropriate development in the Green Belt, which is harmful by definition and by reason of harm to openness due to the size, bulk and mass of the structure. The proposed development does not fall within any of the exceptions to inappropriate development listed in the NPPF and no very special circumstances have been submitted which would outweigh the harm to the Green Belt

The development is thereby considered to be contrary to the NPPF.

142. W14/1811 – 14 Charnwood Way, Lillington, Royal Leamington Spa

The Committee considered an application, from Mr Bernamont, for the erection of a pair of semi-detached dwellings.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

PLANNING COMMITTEE MINUTES (Continued)

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Residential Design Guide (Supplementary Planning Guidance - April 2008)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Distance Separation (Supplementary Planning Guidance)

PLANNING COMMITTEE MINUTES (Continued)

The 45 Degree Guideline (Supplementary Planning Guidance)
Vehicle Parking Standards (Supplementary Planning Document)

It was the officer's opinion that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. The proposals were also considered to be acceptable in terms of parking and highway safety and, therefore, it was recommended that planning permission be granted.

An addendum circulated at the meeting outlined two further objections, details of an amended site plan, an amendment to condition 2 updating the plan numbers and the deletion of condition 6 because the information requested had been supplied on the submitted plans.

Mr Hawkins, a local resident, addressed the Committee in objection to the application.

Councillor Williams advised that although he had not been present at the site visits on Saturday 31, he had undertaken his own visit to the site. He felt that the green area contributed to the health and wellbeing of the local residents and proposed that the application be refused contrary to the officers recommendations. This proposal was supported and duly seconded by Councillor Mrs Bromley.

This proposal was lost four votes to five.

Other Members of the Committee felt that this was a good development and agreed that an additional condition should be added to ensure the removal of the side window to number 14, prior to commencement.

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

Resolved that application W14/1811 be **granted** subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 914-02B & 914-03B, and specification contained therein, submitted on 20 January 2015.
Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details.
Reason: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted (other than demolition) is commenced and the development shall not be carried out other than in strict accordance with such approved details. **Reason:** To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of any of the dwellings hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British

PLANNING COMMITTEE MINUTES (Continued)

Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

- (6) the development hereby permitted (other than demolition) shall not commence until details of the finished floor levels of the dwellings, 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 DP1 & DP2 of the Warwick District Local Plan 1996-2011;

- (7) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers 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 DP13 in the Warwick District Local Plan 1996-2011;

- (8) the development hereby permitted shall either:
- a) be timetabled and carried out to avoid the bird nesting season (March to September

PLANNING COMMITTEE MINUTES (Continued)

inclusive); or

b) not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared on site for evidence of nesting birds (immediately prior to works commencing). If evidence of nesting birds is found works shall not proceed until outside of the bird nesting season (March to September inclusive).

Reason: To prevent possible disturbance to nesting birds, in accordance with Policy DP3 of the Warwick District Local Plan;

(9) the proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The car parking area shall be retained at all times thereafter and shall be kept free of obstruction and be available for parking for occupants of the development hereby permitted. **Reason:** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;

(10) the development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.0 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within these splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;

(11) accesses for vehicles to the site from the public highway Charnwood Way shall not be made other than at the position identified on the approved drawing number 914-02 Rev B. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;

(12) neither of the dwellings hereby permitted shall

PLANNING COMMITTEE MINUTES (Continued)

be occupied until an access for vehicles has been provided to that dwelling not less than 3 metres in width for a distance of 7.5 metres into the site, as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;

(13) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a distance of 7.5 metres into the site as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;

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

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

(16) the side window of number 14 Charnwood Way to be removed prior to commencement.

143. W14/1664 – Petrol Filling Station, 130 Rugby Road, Royal Leamington Spa

The Committee considered an application from McLagan Investments Limited, for the refurbishment of existing petrol filling station to include single storey extensions to the shop, installation of a new ATM pod, installation of a new boundary fence and other external alterations.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

PLANNING COMMITTEE MINUTES (Continued)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
UAP3 - Directing New Retail Development (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)
SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Sustainable Buildings (Supplementary Planning Document - December 2008)
Vehicle Parking Standards (Supplementary Planning Document)

PLANNING COMMITTEE MINUTES (Continued)

It was the officer's opinion that the proposals were considered to be acceptable in terms of car parking, highway safety and in terms of the impact on the vitality and viability of the Rugby Road Local Shopping Centre. Furthermore, the proposals would not harm the living conditions of nearby dwellings and would not harm the character and appearance of the area or the setting of the adjacent Conservation Area. Therefore, it was recommended that planning permission was granted.

An addendum was circulated at the meeting which provided clarification on the air conditioning units and advised that two further objection had been received relating to opening hours.

The applicant had also provided comments outlining the benefits of the application, assuring that the existing trading hours would continue to be used and advising that no objections had been received from Royal Leamington Spa Town Council.

The following people addressed the Committee:

Mr Jones, in support of the application and Councillor Gifford, Ward Councillor, in objection.

Members were advised that the 'click and collect' service had now been omitted from the scheme and agreed that an additional condition should be added to ensure that all lighting was switched off when the petrol station closed.

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

Resolved that application W14/1664 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (200)03B, (200)04, (300)03B & (300)04, and specification contained therein, submitted on 20 November 2014 & 16 January 2015. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development shall be carried out only in full accordance with sample details of the

PLANNING COMMITTEE MINUTES (Continued)

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

- (4) no development shall commence until a turning area has been provided within the site to enable vehicles associated with the construction of the development to leave and re-enter the public highway in a forward gear. The turning area shall be retained for the duration of the construction works. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;
- (5) no customers shall be permitted to be on the premises other than between 0700 hours and 2300 hours. **Reason:** To ensure that the premises are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (6) no more than 118 sq m of the sales kiosk shall be used for the display of goods for sale, hire, lease or rental. The area annotated as "back of house" on the approved drawings shall not be used for the display of goods for sale, hire, lease or rental. **Reason:** To protect the vitality and viability of the Rugby Road Local Shopping Centre, in accordance with Policy UAP3 of the Warwick District Local Plan 1996-2011;
- (7) the extensions hereby permitted shall not be used 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 adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011;
- (8) best practicable means shall be employed at all times to control noise, dust and vibration from

PLANNING COMMITTEE MINUTES (Continued)

construction works on the site. Construction work which is likely to give rise to noise nuisance shall not take place before 0730 hours or after 1700 hours on Mondays to Fridays or before 0730 hours or after 1300 hours on Saturdays. No construction work shall take place on Sundays or Bank Holidays. There shall be no deliveries associated with the construction of the development hereby permitted before 0800 hours or after 1630 hours on Mondays to Fridays or before 0800 hours or after 1300 hours on Saturdays or at any time on Sundays or Bank Holidays.

Reason: To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

- (9) no lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **Reason:** To protect the living conditions of nearby residents, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan 1996-2011;
- (10) no plant or equipment shall be installed other than in strict accordance with the conclusions and recommendations of a noise assessment (in accordance with BS4142:2014) that shall have been submitted to and approved in writing by the local planning authority. Any sound attenuation measures recommended in the noise assessment shall be implemented in strict accordance with the approved details and thereafter shall not be removed or altered in any way. **Reason:** To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and
- (11) all external lighting will be switched off when the petrol station closes.

144. W14/1807 – 1 Lancaster Place, Kenilworth

PLANNING COMMITTEE MINUTES (Continued)

The Committee considered an application, from Mr Pope, for the proposed erection of a first floor side extension.

The application was presented to the Committee at the request of Councillor Vincett.

The officer considered the following policies to be relevant:

National Planning Policy Framework

Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

The 45 Degree Guideline (Supplementary Planning Guidance)

Sustainable Buildings (Supplementary Planning Document - December 2008)

Vehicle Parking Standards (Supplementary Planning Document)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

It was the officer's opinion that the proposed first floor side extension was not considered to be of acceptable design, by virtue that it would reduce the openness of the corner plot and alter the scale and character of the original dwelling which was contrary to the Residential Design Guide, current Local Plan policy DP1 and emerging Local Plan policy BE1 which would support a reason for refusal.

An addendum circulated at the meeting advised that the applicant had submitted an email to clarify their position and explain why the application should be supported.

PLANNING COMMITTEE MINUTES (Continued)

Councillor Davies, Ward Councillor, addressed the Committee in support of the application. He then left the room whilst the item was discussed and a decision reached.

Members agreed that the site visit had been useful and felt that there would be ample screening of the extension due to the high number of trees in the area. They were also mindful that Kenilworth Town Council had no objection to the application.

It was therefore proposed by Councillor Brookes, seconded by Councillor De-Lara-Bond that the application should be granted, contrary to the officers' recommendation and subject to appropriate conditions.

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

Resolved that application W14/1807 be **granted** contrary to officers' recommendation and subject to appropriate conditions.

145. W14/1678 – Land off Hill Wootton Road, Hill Wootton

The Committee considered an application, from Mr Wigglesworth, for the erection of one new dwelling.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

PLANNING COMMITTEE MINUTES (Continued)

DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Residential Design Guide (Supplementary Planning Guidance - April 2008)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Distance Separation (Supplementary Planning Guidance)
The 45 Degree Guideline (Supplementary Planning Guidance)
Vehicle Parking Standards (Supplementary Planning Document)

It was the officer's opinion that the proposed development was acceptable in principle and would not cause unacceptable harm to the character or openness of the Green Belt or visual amenities of the street scene. Furthermore, the proposal would not adversely affect the amenity of nearby residents and was therefore considered to comply with the policies listed.

An addendum circulated at the meeting advised of an update to the heritage section of the report.

Councillor Mrs Gallagher addressed the Committee in support of the application, in her capacity as Ward Councillor.

Following consideration of the report, presentation, the representation made at the meeting and the information contained in the addendum, the Committee

PLANNING COMMITTEE MINUTES (Continued)

Resolved that application W14/1678 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 5104/04; 5104/01; 5104/06; 5104/07; 5104/03; 5104/02 and specification contained therein, submitted on 14th November 2014 and approved drawing(s) 5104/5A and specification contained therein, submitted on 23rd December 2014. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development shall be carried out only in full accordance with sample details of the facing, roofing and paving materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) no use of the development hereby permitted shall commence unless and until a pavement and verge crossing has been constructed to the site in strict accordance with the approved drawings. **Reason:** To ensure that a pavement and verge crossing is available for use when the development commences thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that adequate drainage

PLANNING COMMITTEE MINUTES (Continued)

facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;

- (6) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the dwelling hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;
- (7) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless tree protection measures have been put into place in full accordance with details submitted to and approved in writing by the local planning authority and thereafter shall remain in place during any such construction work. In addition no excavations, site works, trenches or

PLANNING COMMITTEE MINUTES (Continued)

channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (8) before the access is first used a turning facility within the site enabling vehicles to enter and leave in a forward gear, and a 2.4 metre by 43 metre visibility splay at the back of the footway on either side of the proposed access way, shall be provided in accordance with the approved drawings. At all times thereafter the turning facility shall be kept free of obstruction and available for its intended use, and nothing in the visibility splay shall exceed 600mm in height, unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (9) the dwelling hereby permitted shall not be occupied unless and until the means of access to the site has been provided in full accordance with the position as shown on approved plan drawing no. 5104/05A and in accordance with the following details to be submitted to and approved in writing by the local planning authority:

- details of proposed surfacing, which shall comprise a bound material of not less than 3m in width for a distance of 7.5metres, as measured from the near edge of the public highway carriageway, and

- drainage details to ensure the effective

PLANNING COMMITTEE MINUTES (Continued)

capacity of any drain or ditch within the limits of the public highway.

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

- (10) the development hereby permitted shall not commence until a qualified ecologist has been appointed by the applicant to inspect any trees / hedgerows to be removed as part of the development for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist. Nesting birds are protected under the 1981 Wildlife and Countryside Act. **Reason:** To safeguard protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;
- (11) the existing trees and shrubs indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;
- (12) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order

PLANNING COMMITTEE MINUTES (Continued)

revoking and re-enacting that order with or without modification) the window(s) to be formed at first floor level in the western facing elevation of the dwelling hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **Reason:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

- (13) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows or openings (apart from any shown on the approved drawings) shall be formed at first floor level in the western facing elevation of the dwelling hereby approved without the written approval of the local planning authority and if any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **Reason:** To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;
- (14) the dwelling hereby approved 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 unless otherwise agreed in writing by the local planning authority. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011;
- (15) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained

PLANNING COMMITTEE MINUTES (Continued)

at all times thereafter 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 DP13 in the Warwick District Local Plan 1996-2011; and

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

Reason: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

146. W14/1694 – North Fosse Farm, Fosse Way, Radford Semele

The Committee considered an application, from Blackdown Growers, for the erection of an agricultural building.

The application was presented to the Committee at the request of Councillor Doody.

The officer considered the following policies to be relevant:

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

PLANNING COMMITTEE MINUTES (Continued)

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the officer's opinion that the erection of this agricultural building on an established agricultural holding was considered to be acceptable in principle. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. Therefore, it was recommended that planning permission was granted.

An addendum circulated at the meeting advised that the applicant had provided further clarification on the need for the development and responses to some of the objections received.

Following consideration of the report, presentation and the information contained in the addendum, the Committee

Resolved that application W14/1694 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 101C & 102A, and specification contained therein, submitted on 20 November 2014 & 21 January 2015.
Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in

PLANNING COMMITTEE MINUTES (Continued)

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

- (4) access to the development shall not be gained from the public highway other than from the two existing vehicular accesses located on the Fosse Way (B4455) that are highlighted in yellow on the site plan submitted on 16 January 2015. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.

147. W14/1649 – 15 Cicero Approach, Warwick Gates, Warwick

The Committee considered an application, from Mr and Mrs Thomas, for the erection of a double storey rear and front extension and alterations to garden wall.

The application was presented to the Committee because an objection had been received from Bishop's Tachbrook Parish Council.

PLANNING COMMITTEE MINUTES (Continued)

The officer considered the following policies to be relevant:

National Planning Policy Framework

Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Residential Design Guide (Supplementary Planning Guidance - April 2008)

It was the officer's opinion that the proposed two storey rear extension and the single storey front extension, as amended, were acceptable in principle and would not affect neighbouring amenity. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report and presentation, the Committee

Resolved that application W14/1649 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) all external facing materials for the

PLANNING COMMITTEE MINUTES (Continued)

development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

148. Enforcement Report – Le Van, Red Lane, Kenilworth

The Committee considered an application from the Enforcement Team advising that engineering operations, resulting in increased land levels within part of the site, had been undertaken at Le Van, Red Lane, Kenilworth.

The report was presented to the Committee to request that Members authorise enforcement action to remove the hardstanding areas and to reinstate the land identified to its original condition and ground level, within a compliance period of six months.

The matter had been brought to the attention of the Planning Enforcement Team in July 2014 when it was identified that works were being undertaken in preparation for the forthcoming lawful use of the land as a static caravan site.

Whilst much of the work associated with that development did not require planning permission, as work continued it became clear that land levels particularly within part of the site had increased significantly to the extent that engineering operations requiring planning permission were considered to have occurred.

Despite requests to the developer to cease work until this matter could be fully considered and addressed, the work nevertheless continued.

It was the officer's opinion that the impact of the unauthorised engineering operations, resulting in the change of levels were at their most significant and harmful in the north east part of the site, where the change in character within the surrounding landscape was at its most notable.

Officers had considered whether any works could be undertaken to mitigate the impact but this was not considered to be an approach that would significantly overcome the harm that had been caused.

Following the absence of any voluntary resolution to this matter, and in view of the significant adverse impact of the above unauthorised development on the openness and visual amenities of the countryside and Green Belt, it was considered that formal enforcement action was now required in order to remedy these outstanding matters.

Members took advice from the Legal Officer relating to the potential impact of HS2 in the area and the costs which may be incurred by authorising the enforcement action. Mr Howarth reminded Members that their decision needed to be based on whether or not it was expedient to take action.

PLANNING COMMITTEE MINUTES (Continued)

Members felt that the abuse of the planning system should be addressed and agreed that placing conditions on an application was pointless if they were not going to be enforced.

Following consideration of the report and presentation, the Committee

Resolved that appropriate enforcement action is **authorised** directed at the removal of hardstanding areas and the permanent reinstatement of the land identified to its original condition and ground level with a compliance period of 6 months.

149. Appeals Update

The Committee considered an update from Development Services which advised of the current list of planning and enforcement appeals to date.

Members discussed the details of various applications and were advised that the appeal decision on the Gateway development was likely to be confirmed by 5 February 2015.

Councillor Brookes enquired as to whether Ward Councillors could contribute to certain appeals statements and officers agreed to discuss the options with their team.

Resolved that the report be noted.

(Meeting ended at 8.50pm)

Planning Committee

Minutes of the meeting held on Tuesday 3 March 2015 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Rhead (Chairman); Councillors Boad, Mrs Bromley, Brookes, Mrs Bunker, Doody, Weber, Wilkinson and Williams.

There were no apologies.

On behalf of the Committee, the Chairman paid respects to Councillor MacKay, who had served on Planning Committee for many years until his recent death.

150. **Substitutes**

There were no substitutions.

151. **Declarations of Interest**

Minute Number 154 – W14/1834 – 27 Radford Road, Royal Leamington Spa

Councillor Weber declared an interest because he knew some of the speakers. He informed Members that he was not pre-determined.

Councillor Wilkinson declared an interest because he knew some of the speakers. He informed Members that he was not pre-determined.

Minute Number 155 – W14/1840 – 89 Leam Terrace, Royal Leamington Spa

Councillor Weber declared an interest because he knew some of the speakers. He informed Members that he was not pre-determined.

Councillor Wilkinson declared an interest because he knew some of the speakers. He informed Members that he was not pre-determined.

Minute Number 156 – W15/0020 – Unit 3, Regent Court, Livery Street, Royal Leamington Spa

Councillor Weber declared an interest because the application site was in his ward. He would be speaking as Ward Member and therefore would leave the room after he had made his speech and not return until the decision on the application had been resolved.

Councillor Wilkinson declared an interest because he knew some of the speakers. He informed Members that he was not pre-determined.

Minute Number 157 – W14/1729 – Station Road and 82-90 Priory Road, Kenilworth

Councillor Mrs Bunker declared an interest because she knew the applicant.

PLANNING COMMITTEE MINUTES (Continued)

Minute Number 158 – W14/1753 – 1 Goldsmith Avenue, Warwick

Councillor Williams declared an interest because the applicant was a customer of the company he worked for. Councillor Williams informed Members that he had not given any advice to the applicant.

Minute Number 159 – W15/0117 – Nexus House, 10 Coten End, Warwick

Councillor Mrs Bromley declared an interest because the application site was in her ward.

Minute Number 160 – W14/1569 – Mallards Reach, Barford Road, Barford

Councillor Rhead declared an interest because the application site was in his ward.

152. Site Visits

To assist with decision making, Councillors Mrs Bromley, Mrs Bunker, Doody, Rhead, Weber, Wilkinson and Williams visited the following application sites on Saturday 28 February 2015:

W14/1729 – Station Road and 82-90 Priory Road, Kenilworth

W14/1840 – 89 Leam Terrace, Royal Leamington Spa

W14/1725 – 2a Church Terrace, Royal Leamington Spa

W14/1753 – 1 Goldsmith Avenue, Warwick

W15/0117 – Nexus House, 10 Coten End, Warwick

153. Minutes

The minutes of the meeting held on 3 February 2015 were agreed and signed by the Chairman as a correct record.

154. W14/1834 – 27 Radford Road, Royal Leamington Spa

The Committee considered an application from Mrs Sanghera for a change of use from C4 six bedroom HMO to Sui Generis seven bedroom HMO.

The application was presented to the Committee because an objection from Royal Leamington Spa Town Council had been received.

The officer considered the following policies to be relevant:

The National Planning Policy Framework

The Existing Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

PLANNING COMMITTEE MINUTES (Continued)

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Vehicle Parking Standards (Supplementary Planning Document)
National Planning Policy Framework

It was the officer's opinion that the proposed addition of one bedroom to the existing six bed HMO was not considered to result in significant harm to a degree that would warrant a recommendation of refusal.

An addendum provided at the meeting corrected a mistake to remove a double negative in the Summary/Conclusion of the report.

The following people addressed the Committee:

- Councillor Knight, Royal Leamington Spa Town Council, objecting to the application;
- Mr Fyfe, local resident, objecting to the application;
- Mrs Sanghera, applicant; and
- Councillor Weed, Ward Member, objecting to the application.

A motion to grant the application was defeated.

Members recognised Councillor Weed's argument that this application, if granted, could spark a further growth in the number of rooms provided in an HMO and, therefore, intensify the concentration of people living in HMOs. It was felt that the HMO Policy went against its intention to maintain a balance in communities and an additional room in an area of high density went against the objectives of the Policy. It was also felt that if the application was granted, it would result in a further shortfall in parking space requirements.

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

Resolved that application W14/1834 be **refused** because it is contrary to the objectives of the HMO policy in the Emerging Local Plan and contrary to parking requirements.

Councillor Boad arrived immediately after the planning officers' presentation and therefore refrained from voting on this item.

PLANNING COMMITTEE MINUTES (Continued)

155. W14/1840 – 89 Leam Terrace, Royal Leamington Spa

The Committee considered an application from Mr & Mrs Goodwin for the erection of a single storey side and rear extension and a two storey rear extension.

The application was presented to the Committee because an objection had been received from Royal Leamington Spa Town Council.

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

The 45 Degree Guideline (Supplementary Planning Guidance)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Distance Separation (Supplementary Planning Guidance)
Vehicle Parking Standards (Supplementary Planning Document)
Residential Design Guide (Supplementary Planning Guidance - April 2008)

It was the officer's opinion that the proposed two storey rear extension and single storey rear extension were acceptable in terms of flooding, and its character and appearance within the street scene and did not significantly

PLANNING COMMITTEE MINUTES (Continued)

impact on the amenities of surrounding neighbours or the Conservation Area such as would support a reason for refusal.

An addendum provided at the meeting advised that further comments had been received from the occupants of the neighbouring property following the submission of amended plans. Concern was raised about the height of the side wall nearest to their property which had increased from three metres to four metres which would block out further light to their property and make their side access more oppressive.

The following people addressed the Committee:

- Councillor Knight, Royal Leamington Spa Town Council, objecting to the application;
- Mrs Williams, local resident, objecting to the application; and
- Councillor Weed, Ward Member, objecting to the application.

Members had noted on the site visit that it was a very special street scene and felt that the proposals would be seen. It was felt that any proposal made should make a positive contribution to the street scene if it were to be approved.

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

Resolved that application W14/1840 be **refused** because of the impact of the proposal on the character and appearance of the Conservation Area - Policies DAP8, DAP9 and Emerging Local Plan Policy HE2.

156. W15/0020 – Unit 3, Regent Court, Livery Street, Royal Leamington Spa

The Committee considered an application from New River Retail for a variation of condition 6 of planning permission ref. W13/1578, to allow for the creation of an outdoor seating area in front of Unit SU3, Regent Court to be used between 0930 hours and 2100 hours. The restriction would remain in place for the remainder of the units covered by planning permission ref. W13/1578, except Units 2, 6 and 7a where outdoor seating areas had previously been expressly authorised for use between 0930 hours and 1930 hours.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)

DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

DP6 - Access (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

TCP13 - Design of Shopfronts (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
TCP5 - Secondary Retail Areas (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).

It was the officer's opinion that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the Conservation Area. Therefore, it was recommended that planning permission was granted for the variation of this condition.

An addendum circulated at the meeting corrected two conditions stated in the report and gave details of comments made by Environmental Health. Whilst Environmental Health did not object to the application, it was stated that the nature of the Regent Court area had altered since the change of use of retail units to restaurants. This had had an impact on noise levels in the area, particularly in the evenings. As the area became busier at night it became more difficult to distinguish between "street" noise and the noise arising from particular premises' seating areas. Environmental Health officers felt that this made balancing what was acceptable for a specific application more difficult. It was felt that the current 19.30 restriction applied one level of control and complaints had been received about this situation. Officers felt that additional seating would impact on the noise levels because of the overall activity but it would be difficult to argue that this would be unacceptable in itself, in view of the changed character of the area. To allow outdoor seating until 21.00 increased the potential for the cumulative impact of noise from general disturbance to affect residents later into the evening. It was not clear that statutory nuisance would result from this individual application, not least because the baseline for assessing this had changed as the character of the area had changed.

For this reason, Environmental Health had not objected to the application, but reminded Members that they would need to take a view as to what was applied for might unacceptably alter the existing character of the area.

The following people addressed the Committee:

- Councillor Knight, Royal Leamington Spa Town Council, objecting to the application;
- Mr Barnwell, local resident, objecting to the application;
- Mr Wareing, consultant acting on behalf of the applicant; and
- Councillor Weber, Ward Member, objecting to the application.

PLANNING COMMITTEE MINUTES (Continued)

Members felt that the comments from Environmental Health were not particularly helpful, saying one thing and then another. They also took on board comments from Councillor Weber that if the extension to 21.00 hours was permitted, then the company left the unit and sold it to another company, this extended time would still apply and the new occupant might not be at the higher end of dining business and consequently the noise levels could increase. It was also felt that if this application was granted, other restaurants would seek to extend the time from 19.30 to 21.00.

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

Resolved that application W15/0020 for a variation of Condition 6 be **refused** because of the impact on neighbouring residents at upper floor levels – Policies DP2 and DP9.

(Councillor Weber, following his speech as Ward Member, left the room until the decision on this item had been reached.)

157. W14/1729 – Station Road and 82-90 Priory Road, Kenilworth

The Committee considered an application from Virgate Properties Limited for the demolition of numbers 82-90 Priory Road; old showrooms and storage buildings to the northern boundary and the erection of a three storey building to provide nine number two bedroom flats.

The application was presented to the Committee at the request of Councillor Illingworth.

The officer considered the following policies to be relevant:

The National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

The Emerging Local Plan

EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Sustainable Buildings (Supplementary Planning Document - December 2008)
Open Space (Supplementary Planning Document - June 2009)
The 45 Degree Guideline (Supplementary Planning Guidance)
Vehicle Parking Standards (Supplementary Planning Document)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Distance Separation (Supplementary Planning Guidance)

It was the officer's opinion that this would be an appropriate site for new residential development and the scheme raised no objections in terms of residential amenity, car parking and highway safety. The proposed building on Station Road, within the conservation area, provided an acceptable design solution, however it was the scale and massing of the proposed building fronting Priory Road which was considered to fail to harmonise with the prevailing character of development within the street scene to the extent that it was therefore recommended that planning permission was refused.

The following people addressed the Committee:

- Mrs Payne, local resident, objecting to the application; and
- Mr Simmons, applicant.

Members noted that the design for Priory Road was largely the same as that for Station Road, but where Station Road had five flats, Priory Road had three.

A motion to refuse the application was defeated.

Members felt that the design of the building would enhance the life of residents and would be an imposing building to have opposite the new railway station. It was an enhancement to the current street scene. It was felt that the proposals were in accordance with the NPPF.

Following consideration of the report, presentation, and the representations made at the meeting, the Committee

Resolved that application W14/1729 be **granted** because it was in accordance with the NPPF because the design was considered to be appropriate within

PLANNING COMMITTEE MINUTES (Continued)

the surrounding area. Conditions would be set by officers in consultation with the Chairman.

158. W14/1753 – 1 Goldsmith Avenue, Warwick

The Committee considered an application from Mr Jobling for the erection of a new three bedroom dwelling.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

PLANNING COMMITTEE MINUTES (Continued)

Guidance Documents

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

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

Following consideration of the report, presentation, the representations made at the meeting, the Committee

Resolved that application W14/1753 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 250, 251, 351, 352, 150 Rev B, and specification contained therein, submitted on 04/12/14. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:
 - (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and
 - (ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

PLANNING COMMITTEE MINUTES (Continued)

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

- (4) the development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers 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 DP13 in the Warwick District Local Plan 1996-2011;
- (6) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to 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 in these areas. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** In order to protect and preserve existing trees and mature

PLANNING COMMITTEE MINUTES (Continued)

landscaping within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (7) the development hereby permitted shall either:
- a) be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds or,
 - b) not commence until a qualified ecologist has been appointed by the applicant to inspect the buildings to be demolished and vegetation to be cleared for evidence of nesting birds. This inspection must take place immediately prior to the commencement of works. If evidence of nesting birds is found then works in the affected area may not proceed within the nesting bird season (March to September inclusive) unless the local planning authority has received written confirmation from the ecologist that the young have fledged.

Reason: To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011 and NPPF;

- (8) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Classes A, B or E of Part 1 of Schedule 2 of this Order.

Reason: That due to the restricted nature of the infill development plot and its close relationship with the adjoining property it is considered necessary to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

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

PLANNING COMMITTEE MINUTES (Continued)

Reason: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (10) the development hereby approved shall not be occupied unless and until the approved off-street car parking spaces have been provided to both existing and proposed properties in accordance with the approved details on drawing No.150 Rev B and visibility splays have been provided to the vehicular access to No.1 Goldsmith Avenue, with an 'x' distance of 2.4 metres and 'y' distances of 25 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. The driveways shall also be surfaced in a bound material. Thereafter car parking facilities shall remain available for use at all times. **Reason:** To ensure that a satisfactory provision of off-street car parking is maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011; and
- (11) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the window(s) to be formed in the side-facing southwest elevation of the dwellinghouse hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **Reason:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

159. W15/0117 – Nexus House, 10 Coten End, Warwick

The Committee considered an application from Mr Jhita for the demolition of the existing out building and the erection of a two storey dwelling.

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

PLANNING COMMITTEE MINUTES (Continued)

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

DP6 - Access (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

HE3 - Control of Advertisements in Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Open Space (Supplementary Planning Document - June 2009)

Distance Separation (Supplementary Planning Guidance)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

Vehicle Parking Standards (Supplementary Planning Document)

Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the officer's opinion that the development was acceptable in principle and would provide an acceptable design solution that did not adversely affect the amenity of the street scene, nearby residents or highway safety. The proposal was therefore considered to comply with the policies listed.

Members remarked on a comment received from County Councillor Warner about the loss of amenity land, but noted that there was no amenity land to lose.

Following consideration of the report, presentation, the representation made at the meeting, the Committee

PLANNING COMMITTEE MINUTES (Continued)

Resolved that application W15/0117 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 0505-A0502-D, and specification contained therein, submitted on 28/01/15. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its 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. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (4) the development shall be carried out only in full accordance with sample details of the facing and roofing materials, which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (5) notwithstanding approved plans the balcony hereby permitted shall not be used unless and until the privacy screen(s) have been installed in full accordance with 1:10 large scale details, to be submitted to and approved in writing by the local planning authority. Once installed such screens shall not be removed or altered in any way. **Reason:** In the interests of the visual amenities and natural environment of the locality in accordance with Policies DP3 of the Warwick District Local Plan 1996-2011;
- (6) no part of the development hereby permitted shall be commenced (including demolition) until a scheme for the protection of the existing tree to be retained adjoining the site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** In order to protect and preserve an existing tree adjacent to the site which is of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (7) no development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011;
- (8) notwithstanding the provisions of the Town and

PLANNING COMMITTEE MINUTES (Continued)

Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no further windows or openings (apart from any shown on the approved drawings) shall be formed in the dwellinghouse hereby approved without the written approval of the local planning authority and if any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **Reason:** To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011; and

- (9) the development shall not be occupied unless and until the car parking and bin storage areas indicated on the approved drawings have been provided (including the surfacing of the access in a bound material) and thereafter those areas shall be kept available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.

160. W14/1569 – Mallards Reach, Barford Road, Barford

The Committee considered an application from Ms Samrai for the erection of one number dwelling and elevational alterations to the existing house.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Distance Separation (Supplementary Planning Guidance)

Open Space (Supplementary Planning Document - June 2009)

Vehicle Parking Standards (Supplementary Planning Document)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

The 45 Degree Guideline (Supplementary Planning Guidance)

It was the officer's opinion that the development was acceptable in principle and provided an appropriate design solution in terms of scale, height, form and massing and did not adversely affect the setting of the conservation area, the amenity of nearby residents or highway safety. The proposal was therefore considered to comply with the policies listed.

An addendum circulated at the meeting advised that Ecology had raised no objection to the scheme, subject to a bat note. An additional condition was proposed requiring that the proposed alterations to the property be completed prior to the occupation of the new dwelling house.

A motion to defer the decision pending a site visit was defeated following the use of the Chairman's casting vote.

Members were informed that only lower quality trees would be removed and that key or mature trees were protected.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report, presentation and the information contained in the addendum, the Committee

Resolved that application W14/1569 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 0502-A; SK01 C; 0303; 0500A; 0501-B and specification contained therein, submitted on 27/10/14. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its 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. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (4) the development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the

PLANNING COMMITTEE MINUTES (Continued)

interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

- (5) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** In order to protect and preserve existing trees and mature landscaping within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (6) the development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the right and 120 metres to the left to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway and measures not less than 3 metres wide. **Reason:** To ensure that a satisfactory access is provided in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (7) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (8) the development hereby permitted shall only be undertaken in strict accordance with drainage details, incorporating a Sustainable Drainage System (SUDS) and responding to the hydrological conditions (soil permeability, watercourses etc) within the application site, including a long term management and maintenance plan, which have been submitted to and approved in writing by the local planning authority. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details unless alternative drainage methods have been approved in writing by the local planning authority. **Reason:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which Promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011;
- (9) the development shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan

PLANNING COMMITTEE MINUTES (Continued)

1996-2011; and

- (10) a condition requiring that the proposed alterations to the property be completed prior to the occupation of the new dwelling house.

161. W14/1725 – 2a Church Terrace, Royal Leamington Spa

The Committee considered an application from Oxford and Witney Factors for the change of use from use Class A2 to create a four bedroom dwelling house (use Class C3).

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

The officer considered the following policies to be relevant:

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

PLANNING COMMITTEE MINUTES (Continued)

Guidance Documents

Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Open Space (Supplementary Planning Document - June 2009)
National Planning Policy Framework

It was the officer's opinion that the development was acceptable in principle and the conversion would form an acceptable design solution that did not adversely affect the amenity of nearby residents or highway safety. The proposal was therefore considered to comply with the policies listed.

Members were concerned that the residence might be used as an HMO, and therefore sought a commitment from Enforcement Officers that they would visit the property after four months of occupancy to check that it was not being used as an HMO. Planning Officers gave assurance to Members and stated that they would report back to Committee following the visit.

Following consideration of the report and presentation, the Committee

Resolved that application W14/1725 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 02A, 04A and specification contained therein, submitted on 18/02/15. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) before the development hereby permitted is first occupied, the property shall be signed up to receive flood warnings from the Environment Agency's flood warning register. **Reason:** To mitigate against the impacts of flood risk, in accordance with the National Planning Policy Framework;
- (4) the dwelling hereby permitted shall be not occupied unless and until the bin storage area has been provided in strict accordance with the approved plans. The bin storage area shall thereafter be retained in perpetuity. **Reason:**

PLANNING COMMITTEE MINUTES (Continued)

To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1, DP2 and DP8 of the Warwick District Local Plan 1996-2011;

- (5) all external facing materials for making good in association with the alterations hereby permitted shall be of the same type, texture and colour as those of the existing building.

Reason: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and

- (6) all window and door frames shall be constructed in timber and shall be painted and not stained. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

162. W14/1757 – 3 Haseley Court, Birmingham Road, Haseley, Warwick

The Committee considered an application from Mr Waterworth for the erection of a single-storey building comprising a summer room and store, positioned to the rear of the application property.

The application was presented to the Committee because Beausale, Haseley, Honiley and Wroxall Parish Council had supported the application.

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

PLANNING COMMITTEE MINUTES (Continued)

NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

The 45 Degree Guideline (Supplementary Planning Guidance)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)

It was the officer's opinion that the proposed outbuilding was not considered to be of appropriate design and was not considered to be appropriate development within the Green Belt. No special circumstances had been put forward which would outweigh the harm to the openness of the Green Belt and therefore, the application should be refused.

An addendum circulated at the meeting advised the full response advising reasons for supporting the application from the Parish Council.

Following consideration of the report and presentation, and the information contained within the addendum, the Committee

Resolved that application W14/1757 be **refused** for the following reasons:

- (1) the application site is located within the Green Belt, wherein the Local Planning Authority is concerned to ensure that the rural character of the area will be retained and protected in accordance with national guidance contained in the National Planning Policy Framework (NPPF).

The erection of a new building constitutes inappropriate development in the Green Belt, which is harmful by definition. The proposed building would also have a material impact on openness. There have been no special circumstances presented to outweigh the harm identified. The proposal would therefore be contrary to the NPPF; and

- (2) Policy RAP7 of the Warwick District Local Plan (1996-2011) sets out a number of criteria for the conversion of existing rural buildings within the District and the policy specifically refers to the need for the proposed use to be accommodated without extensive rebuilding or alteration to the external appearance of the building, and for the appearance and setting of

PLANNING COMMITTEE MINUTES (Continued)

the building following conversion to protect and where possible, enhance the character and appearance of the countryside.

The application site which lies within the Green Belt, comprises a converted former agricultural building which is part of a larger complex of barns now used for residential occupation. The District Council has approved Supplementary Planning Guidance on barn conversions, and permitted development rights for subsequent extensions and outbuildings are removed in order to ensure that the character and appearance of the converted buildings and their setting within the wider countryside are respected and protected.

163. DM Appeals Update Report (July 2014 – present)

The Committee considered an update from Development Services which advised of appeals that had gone to the Planning Inspector for decision, and the outcome of these appeals. The period covered was slightly over a three month period from July 2014.

Members requested that future reports include where costs had been awarded to the applicant and the amount.

164. List of Current Planning and Enforcement Appeals

The Committee received a written update from Development Services which advised of the current list of planning and enforcement appeals awaiting decision. The report was not discussed.

Members asked for a copy of the staff structure in Planning Department to be provided to them.

(Meeting ended at 9.05pm)

Application No: [W 15 / 0271](#)

Town/Parish Council: Bishops Tachbrook
Case Officer: Liam D'Onofrio

Registration Date: 20/02/15

Expiry Date: 22/05/15

01926 456527 liam.donofrio@warwickdc.gov.uk

Grove Farm, Harbury Lane, Bishops Tachbrook, Leamington Spa, CV33 9QF

Outline planning application for residential development for up to 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 FOR AC Lloyd Ltd

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

RECOMMENDATION

Planning Committee are recommended to grant outline planning permission for the development subject to the receipt of a satisfactory Section 106 Agreement and subject to the conditions listed. Should a satisfactory Section 106 Agreement not have been completed on or before 05th April 2014, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

The application proposes a residential urban extension into open countryside on the southern side of Harbury Lane. Outline planning permission is sought with all matters reserved except for access for up to 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 main access proposed to the southern side of Harbury Lane opposite Cicero Approach overlaps the main spine road access that was accepted under Outline application W/14/0023 for Phase 1. This scheme proposes a secondary access point closer to the Harbury Lane/Tachbrook Road junction to improve how people move through the site.

The application site measures approximately 39.53 hectares gross within the application red line boundary that includes the associated open space and Country Park. The gross residential development area measures some 14.97 hectares. With the number of dwellings proposed up to 520, the development will have a density of approximately 35 dwellings per hectare.

The application is supported by extensive documentation. This includes an Environmental Statement and non-technical summary, a Planning Statement and Design & Access Statement and Transport Assessment (TA).

This application is one of several applications submitted for urban extensions south of Leamington/Warwick within the Tachbrook Road/Harbury Lane and Europa Way/Harbury Lane/Gallows Hill areas.

The Design and Access Statement indicates that: a comprehensive mix of unit types are proposed ranging from one bedroomed houses to four bedroomed houses, the dwellings are predominantly two storey with some bungalows located on the corners of the edge of the development that fronts onto the Tachbrook Country Park, this is in order to reduce the visual impact of the development and provide a softer edge. At the core of the layout 2.5 storey dwellings have been indicated to create feature areas/landmarks to aid the legibility and hierarchy of the development. Amongst the primarily family housing mix an affordable housing allocation will be incorporated into the design to meet the current local authority requirement of 40% of total number of dwellings (which will be subject to Reserved Matters submission) and contribute to the affordable housing needs of the local community of Royal Leamington Spa and the larger region of Warwick and will ultimately meet the housing shortfall of the local area. The application offers a scheme of high quality design focusing on local character and traditional detailing, with some contemporary features located along the primary access route.

THE SITE AND ITS LOCATION

The application site relates to a green field site comprising arable fields (and Grove Farm buildings) located south of Harbury Lane (beyond Phase 1 - 200 dwellings, which is located immediately south of Harbury Lane) and west of Oakley Wood Road. The housing estate of Warwick Gates is located to the north of Harbury Lane, Heathcote Park, a static caravan park, is located to the northwest and the Severn Trent Water disused sewage works and Gallaghers housing development is located to the west. Open fields lie to the south with the village of Bishop's Tachbrook beyond. The site is within open countryside.

PLANNING HISTORY

W/14/1865 - Reserved matters application for the layout, scale and appearance of 90 dwellinghouses comprising one and two storey housing together with associated garages, parking facilities, infrastructure, landscaping and drainage, forming Phase 1 of the Grove Farm Harbury Lane development granted under outline planning permission W/14/0023: Pending

W/14/0023 - Residential development (approximately 200 dwellings) with new access onto Harbury Lane, land safeguarded for a new primary school, allotments, open space, local shop (A1 use up to 100 sqm gross), car parking and associated infrastructure: Granted 29/05/14

W/13/0036 - Residential development (approximately 200 dwellings) with new access on to Harbury Lane, land safeguarded for a new primary school, allotments, open space, local shop (A1 use up to 100 sqm gross), car parking and associated infrastructure: Refused 15/10/13

RELEVANT POLICIES

The Current Local Plan

- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS13 - Allocation of Land for a Country Park (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR3 - Transport Improvements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NP1 - Neighbourhood Plans (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Affordable Housing (Supplementary Planning Document - January 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Warwickshire Landscape Guidelines SPG
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Bishops Tachbrook Parish Council: Comments not yet submitted.

English Heritage: No objection, subject to conditions.

WCC Ecology: No objection, subject to a S106 contribution to secure a contribution to offset bio-diversity loss to a non-strategic area. Conditions suggested relating to protected species, tree protection, lighting, a Construction and Environmental Management Plan and a Landscape and Ecological Management Plan.

WCC Highways: Objection - Further traffic modelling and changes to access layout requested (currently underway).

WCC Archaeology: Detailed archaeological assessment currently underway, comments of the County Archaeologist will be updated to members at Committee.

WCC Rights of Way: No objection. There are no recorded public rights of way crossing or immediately abutting the application site, although there are a number of public rights of way in the surrounding area. A contribution of £9940 is requested towards improvements to public rights of way within a 1.5 mile radius of the development site. These improvements would include upgrading stiles to gates, bridge improvements and path surface improvements.

South Warwickshire Foundation Trust: No objection, contribution requested.

Warwickshire Police: Secured by Design Standards recommended.

Warwickshire Fire: No objection subject to condition to agree fire hydrant locations.

WDC Waste: No objection, access roads should be constructed to accommodate refuse lorries (which would be dealt with at detailed reserved matters stage).

Public response:

There have been 62 objections to the scheme raising the following concerns:

- The proposed number of houses exceeds perceived need.
- More than enough houses approved.
- There is a five year supply already.
- View from footpath spoilt.
- Loss of countryside/impact to landscape/wildlife.
- Impact upon setting of Bishops Tachbrook/coalescence.
- Contrary to NPPF/Local Plan/Neighbourhood Plan.
- Infrastructure improvements/services needed.
- Traffic congestion/roads already can't cope/air quality/noise pollution.
- Damage to built, cultural and natural heritage.

There have been two neutral responses stating:

- No objection to housing development, but has any thought been given to road infrastructure.
- More detailed planning is required, school provision, investment in amenities etc.

ASSESSMENT

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

- The principle of development;
- Heritage and visual impact;
- Impact on residential amenity;
- Traffic impact / highway safety;
- Ecological impact;
- Archaeology impact;
- Flood risk and drainage;
- Public open space/Country Park;
- Contributions/legal agreement;
- Other matters.

The principle of development

Five year housing supply/Current policy position

The site is within open countryside adjoining the edge of the conurbation of Royal Leamington Spa and Warwick, where the current Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. The National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement.

In terms of the most recent evidence of housing need, the Council are now able to demonstrate a five year supply and it is therefore considered that Policy RAP1 should no longer be considered as out-of-date. Whilst greater weight can be attributed to Policy RAP1 it must also be recognised that the current Local Plan covered the period from 1996-2011 and therefore makes no provision for the future housing needs of the District. The weight afforded to Policy RAP1 must therefore be carefully considered when assessing this particular application site, as it is clearly contrary to the direction of travel for the District's emerging policies relating to the strategic urban extensions.

The NPPF seeks to significantly boost the supply of housing and whether relevant policies for the supply of housing are up-to-date or not the NPPF is clear that housing applications should be considered in the context of sustainable development. The NPPF is a material consideration that is afforded significant weight.

There are three dimensions to sustainable development: economic, social and environmental. The development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Business would also benefit economically through the provision of immediate highway network improvements. Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, provision of open spaces, sustainable drainage measures and new footpath/cycle way links. The site is sustainably located adjacent to the urban area and will be integrated into the existing settlement by sustainable transport links. It is therefore concluded that the development represents sustainable development by satisfying the three dimensions.

Furthermore the application site forms part of Green Field Site H02 - land South of Harbury Lane, which is allocated for housing development within Policy DS11 of the emerging Local Plan Publication Draft April 2014, which is also gaining weight as a policy document. The site has been specifically identified through the Local Plan process to meet the future housing needs of the District and is considered to be within a sustainable location and compatible with the policies within the NPPF when taken as a whole.

The scheme will contribute towards helping the Council meet and maintain its five year requirement and granting outline permission for this site would increase the supply of land for housing, which carries significant weight in the assessment of this application. With potential challenges over the calculation for

the five year supply the approval of this development (which is on an allocated housing site) will strengthen the District's ability to demonstrate a robust 5 year supply further, at a highly sensitive stage where there are outstanding Planning Appeals on wholly inappropriate nearby development sites, namely The Asps and Seven Acres Close, Bishops Tachbrook. The approval of this development will further strengthen the Council's case regarding the ability of the emerging Local Plan proposals to meet the District's housing requirement and to maintain a 5 year supply throughout the plan period.

It has been estimated that the site could contribute some 180 units within the 5 year plan period to 2020. Beyond that it will continue to contribute to a rolling 5 year supply through the Local Plan's plan period.

The emerging Bishops Tachbrook Neighbourhood Plan runs contrary to the District Council's emerging Local Plan in that development that encroaches on the green space between the conurbation and Bishops Tachbrook (where the application site is located) is not considered appropriate. However the emerging Neighbourhood Plan carries limited weight as it is un-adopted and is not considered to outweigh the aims and objectives of the NPPF or warrant refusal of the scheme.

Prematurity

The development site forms part of the allocated housing site H02, which has several different land owners who will be developing different parts of the site separately. The District Council have commissioned the "Draft Design Guidance for the Strategic Urban Extension South of Royal Leamington Spa and Warwick - March 2015", which seeks to ensure that the development in the areas of the strategic urban extension come forward in accordance with the garden suburb ambitions for the area. The document will also establish a strategic framework that extends across all areas to ensure that each component that comes forward has due regard to its part in the comprehensive whole.

The development of the application site would not prevent any other adjoining development sites identified in the emerging Local Plan Publication Draft April 2014 from coming forward and it is not dependant on, nor incompatible with, any other development sites which have been or are being considered. It is not therefore considered that permission should be refused on the grounds of prematurity.

Assessment of the proposed housing provision

Paragraph 50 of the NPPF states that local planning authorities should plan for a mix of housing, based on current and demographic trends, market trends and the needs of different groups in the community. It goes on to state that local planning authorities should identify the size, type, tenure and range of housing that is required in different locations. In accordance with these requirements, the Council has adopted guidance on the required mix of market housing (June 2013). This is based on the 2012 Strategic Housing Market Assessment for Warwick District and specifies a mix of 7% 1 bedroomed dwellings, 26% 2 bedroomed dwellings, 43% 3 bedroomed dwellings and 24% 4 bedroomed dwellings.

The applicant has confirmed that a comprehensive mix of unit types will be proposed ranging from one bedroomed houses to four bedroomed houses, which

can be controlled by condition to ensure this is followed at reserved matters stage. An affordable housing allocation of 40% will be incorporated into the design also. The affordable housing would be secured by a Section 106 agreement to accord with Policy SC 11.

The granting of outline consent would significantly increase the supply of land for meeting the unmet market and affordable housing needs of the District and would therefore represent a key benefit of the scheme.

Heritage and visual impact

The supporting information sets out key design objectives, which align with the Council's 'Garden Towns, Villages and Suburbs Prospectus 2012' and 'Draft Design Guidance for the Strategic Urban Extension March 2015'.

English Heritage have stated that the proposals seem to have a relatively minor impact on the significance of the designated heritage assets (including the grade I registered Castle Park), which is to some degree a result of the proposals for landscaping around much of the southern side of the scheme. English Heritage suggest a condition should be applied that ensure that the landscaping will be appropriate in terms of its density and extent and that the building heights are modulated in an appropriate manner bearing in mind the topography of the site and the views out from the Conservation Area, the historic park, and the highly graded listed buildings within the town.

The Design and Access Statement indicates that the majority of dwellings across the development will be two-storey (8-9m). Where there are feature areas such as around the public open space and at the core of the layout, two-and-a-half storey dwellings (10-11m) have been indicated to create feature areas and landmarks to aid the legibility and hierarchy of the development, with opportunities for single storey dwellings also being utilised at appropriate areas within the development. Whilst scale and design will be considered at reserved matters stage, given English Heritage's comments on building heights, a condition is suggested to ensure that building heights adhere to the submitted Building Heights parameter plan.

Warwickshire Police have raised no objection to the outline scheme but have asked that the development follows Secured by Design principles, which can be secured by condition.

While detailed layout, design and landscaping would be assessed at reserved matters stage, the indicative plan demonstrates that there is the ability to secure a high quality residential scheme that meets the Council's 'garden suburb' guidance. The scheme is not considered to raise any visual amenity of heritage issues. Soft landscaping and planting details would be considered in detail at reserved matters stage.

Impact on residential amenity

The layout plans are indicative only but provide a good illustration of how 520 dwellings could be located on the site with suitable separation distances achievable between new properties and also to surrounding existing properties, the closest being Oak Court on Heathcote Park to protect outlook, light and amenity.

The ample landscaping and public open space shown on indicative plans will assist in ensuring the new development provides a high quality residential environment. Such details will be considered in greater detail at the reserved matters stage.

It is unlikely that this green field site will present any significant contaminated land issues that cannot be overcome through mitigation and remediation, which can be secured by standard conditions (the current application site does not include the Severn Trent Water treatment plant). The EHO response is awaited and comments will be updated in additional observations at Committee.

Traffic impact and highway safety

Warwickshire County Council and Warwick District Council commissioned a Strategic Transport Assessment of all the southern sites (including this site) making up the strategic urban extension to assess the capacity of the strategic road network and ensure it is able to cope with planned housing growth, together with necessary mitigation measures required on the wider network.

The Highway Authority have objected to the current proposal on the basis that they wish the applicant to provide further traffic modelling details of the local road network to provide a bespoke assessment. This Strategic Transport Model is undertaken by the County Council's consultants and can take several weeks to complete. A number of other changes have been requested to improve the proposed junctions. Members will be updated at Planning Committee on the final response of the Highway Authority following these amendments/modelling.

Ecological impact

The County Ecologist has assessed the submitted ecological survey work and has undertaken a Biodiversity Impact Assessment (BIA). The biodiversity impact score varies between the applicant and County Ecologist, who has calculated a net biodiversity loss, which is contrary to NPPF.

The County Ecologist considers that the differences in calculations are mainly due to alterations in the habitat creation and restoration conditions and time taken to achieve this i.e. the high value 'unimproved grassland' proposed on the Country Park is considered unachievable, particularly in an area subject to public pressure and has been downgraded by the Ecologist to semi-improved grassland. In terms of habitat creation and restoration for the site, the Ecologist considers that the time taken to create a good quality, fully functioning and established habitat also needs to be taken into consideration.

The Ecologist notes that a robust habitat management plan for the site, including details of habitat creation and any restoration, should be produced to accompany any subsequent reserved matters application to ensure proposed measures are achievable.

The County Ecologist considers the loss of 5.41 units (based on the Bio-diversity Impact Score) will need to be offset. The County Ecologist therefore confirms that they are not opposed to the development, subject to the biodiversity loss on site being appropriately addressed. This can be secured through a Section 106 Legal Agreement. The County Ecologist has calculated the contribution that is

required to be £170,531.97. This figure is based on the loss being offset in a non-strategic area.

The Ecologist has also suggested a number of conditions to safeguard protected species and secure a suitable Construction and Environmental Management Plan; a Landscaping and Ecological Management Plan; tree protection measures; and a lighting scheme.

Archaeology Impact

Archaeological comments are awaited and will be updated to Members at Planning Committee.

Flood risk and drainage

The development site is situated within Flood Zone 1, although parts of the non-developable country park fall within Flood Zone's 2-3. The supporting Flood Risk Assessment considers that the site is not at risk from flooding. The FRA assumes that existing surface water ultimately drains into the adjacent watercourse, and a direct discharge to the watercourse for the new development is proposed with the discharge rate agreed with the Environment Agency, likely to be based on the run off levels for the existing green field site.

A foul sewer connection application would be passed to Severn Trent Water for connection to the existing adopted network via the existing public foul sewer crossing the site.

The Environment Agency and Severn Trent Water's comments are awaited and will be updated to Members at Planning Committee.

Public open space/Country park

The indicative plan shows that the proposed site layout will be divided into residential development, public open space and a new country park to the southern edge of the development (allocated under Policy DS11 of the emerging Local Plan). The required proportion of public open space has calculated as per the Warwick District Council Open Space SPG, and is broken down into amenity green space, parks and gardens, natural areas, allotments and children's play areas.

A detailed layout plan and landscaping scheme for the public open space/country park will be provided at reserved matters stage.

Contributions/legal agreement

There is significant concern from local residents with regard to the scheme resulting in further pressure on public services, and in particular schools, doctors and hospitals and adding to existing congestion on the local road network.

Financial contributions will be required by the developer towards:

- Schools provision, as required by WCC to upgrade pupil capacity (land has been reserved within Phase 1 of the site for a primary school).
- Hospital improvements, as required by South Warwickshire NHS Trust towards the cost of providing a new ward block at Warwick Hospital and providing

additional outpatient, diagnostic, treatment and inpatient facilities, including hubs for community health care teams at the Warwick and Leamington hospital sites.

- Primary health care facilities, as required by NHS Property Services.
- 40% affordable housing provision.
- Libraries, as required by WCC to enable the library service to flex services to meet the needs of new and emerging communities.
- A bio-diversity offsetting contribution, as required by WCC Ecology.
- Indoor and outdoor sports facilities.
- Highway infrastructure and access improvements, as required by WCC Highways/Public Rights of Way.
- A commuted sum for maintenance and a contribution for the creation / future maintenance of the proposed country park, as required by the WDC Green Space Team.

At the time of writing this report not all contribution figures had been received by the Local Planning Authority, however members will be updated at Committee on exact details. It will be necessary for the applicant to agree to all necessary contributions before 5th April 2015, otherwise the development may fail to meet required obligations.

Other Matters

Regarding the loss of productive agricultural land, this is a negative impact of the development, however it is considered that the need to provide new homes in a sustainable location outweighs concerns about the loss of productive agricultural land.

A condition is required to ensure that subsequent reserved matters applications accord with Local Plan Policy requirements in respect of either generating 10% of the energy needs from renewable sources or reducing the energy demand of the development and its CO² emissions by 10% through initial construction methods.

SUMMARY/CONCLUSION

In terms of the most recent evidence of housing need, the Council are now able to demonstrate a five year supply and whilst Policy RAP1 should no longer be considered as out-of-date it must also be recognised that the current Local Plan covered the period from 1996-2011 and makes no provision for the future housing needs of the District. The weight afforded to Policy RAP1 is limited, as it is clearly contrary to the direction of travel for the District's emerging policies relating to the strategic urban extensions.

It has been concluded that the matters raised can be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities, and the provision of new infrastructure by way of financial contributions. The development would have an impact on the surrounding landscape in terms of the loss of openness and rural character, with a resulting decrease in the separation between the conurbation of Warwick/Royal Leamington Spa and Bishops Tachbrook settlements, however there is an opportunity to secure a country park and associated landscaping mitigation scheme so that the visual harm is not significant. The scheme also needs to be balanced against the wider benefits of the development listed above.

The development is considered to comply with all current Local Plan policies, aside from RAP1, and with the policies of the NPPF as a whole. The presumption in favour of sustainable development carries substantial weight, as does the contribution the development would make to the provision of housing to meet the needs of the District.

The approval of this application will strengthen the District's ability to demonstrate a robust 5 year supply. This is important at a highly sensitive stage where there are outstanding Planning Appeals on wholly inappropriate nearby development sites, namely The Asps and Seven Acres Close, Bishops Tachbrook. Unlike those development sites it remains that the application site is identified as an allocated housing site within the emerging Local Plan Publication Draft April 2014, which needs to be given weight due to its stage in the plan process. It is therefore concluded that the development should be granted.

CONDITIONS

- 1 Details of the means of access to the building(s) and site, appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved. **REASON:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended).
- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 No development shall take place under any relevant phase of development until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
 - a. low pressure sodium lamps should be used in preference to high pressure sodium or

mercury lamps

b. the brightness of lights should be as low as legally possible

c. lighting should be timed to provide some dark periods

d. connections to areas important for foraging should contain unlit stretches

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.

REASON: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011.

- 5 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 6 The development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species and subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- 7 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as the pond, wildflower grasslands; 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.

- 8 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: 2005, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds 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 Policy DP3 of the Warwick District Local Plan 1996-2011.
- 9 No development shall commence until a Protected Species Contingency Plan has been submitted to and approved in writing by the planning authority. The plan shall include:
 - a) Further bat survey of the site and Grove Farm, to include appropriate activity surveys in accordance with BCT Bat Surveys – 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. Any approved mitigation plan shall thereafter be implemented in full.
 - b) A detailed badger survey, including a bait marking study, has been carried out by a suitably qualified badger consultant and has been submitted to and approved in writing by the Local Planning Authority. Any approved mitigation 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 and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- 10 The development hereby permitted shall not be commenced 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 fire safety.
- 11 The development hereby permitted shall not 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 must 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.

(b) The site investigation has been undertaken in accordance with details approved by the local 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 local planning authority. The method statement shall include details of how the remediation works will be validated upon completion and shall 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 DP3 & DP9 of the Warwick District Local Plan 1996-2011.

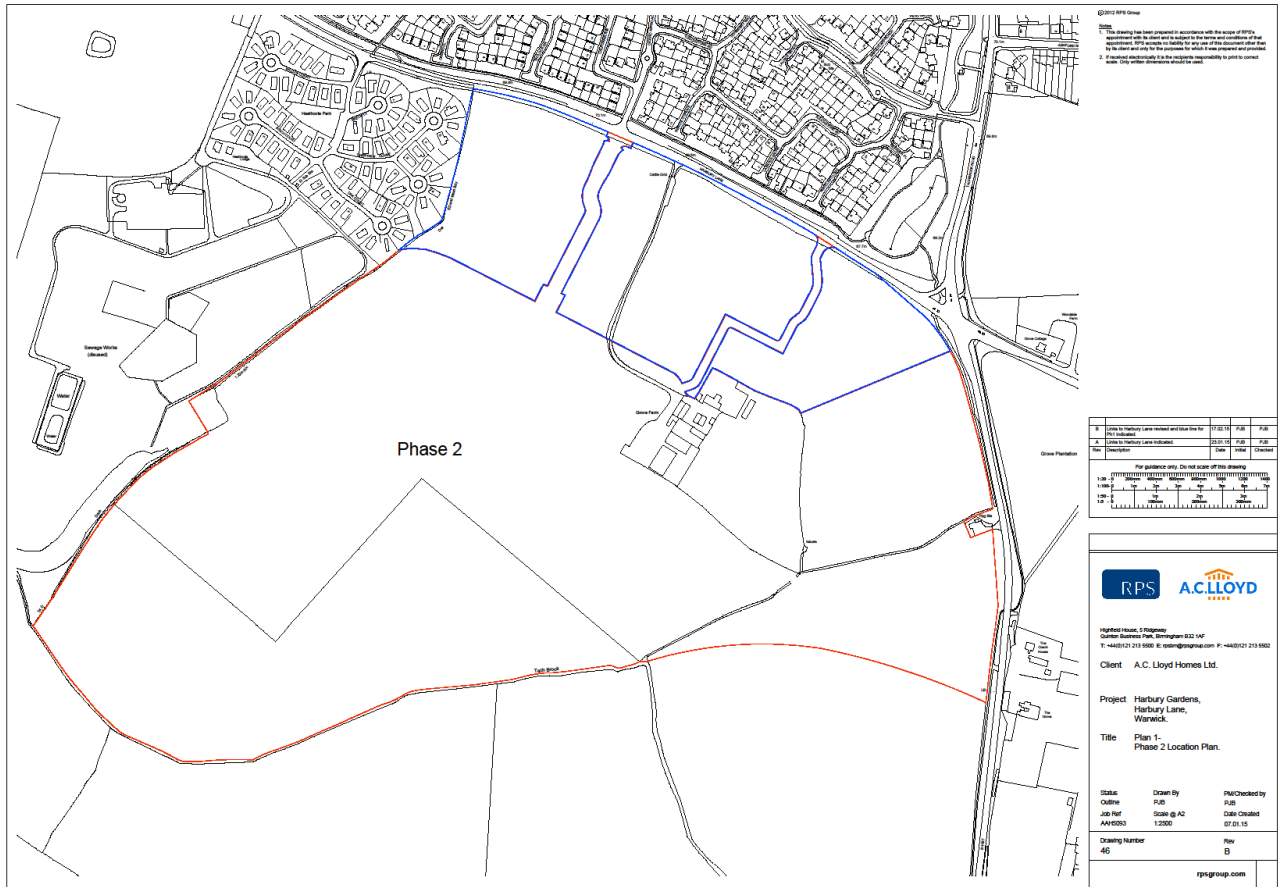
- 12 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. Post development runoff volumes and peak flow rates will be limited to the Greenfield discharge rate for all rainfall return periods up to and including the 100 year plus 30% (for climate change) as outlined within the Flood Risk Assessment. On-Site surface water attenuation will be provided to the 1:100 Climate change (30%) standard using Sustainable Urban Drainage Systems. The site drainage strategy will demonstrate the appropriate assessment and adoption of SUDS techniques. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains

the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.

- 13 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
- 14 Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 15 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 16 An application for the approval of a construction phasing plan of the development shall be submitted before the expiry of three years from the date of this permission. The development shall hereafter be carried out in accordance with the phases established in the phasing plan as

approved by the local planning authority. **REASON:** To ensure the proper phasing of the development.

- 17 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan.
 - 18 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent 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 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 SC13 of the Warwick District Local Plan 1996-2011.
 - 19 The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites". **REASON:** To ensure that the housing meets the needs of the District as required by Local Plan Policy SC1 and the NPPF.
 - 20 The building heights shall not exceed those indicated on the indicative Building Heights Parameters Plan Drg No.57 submitted on 20th February 2015. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
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Planning Committee: 31 March 2015

Item Number: 6

Application No: [W 14 / 1865](#)

Town/Parish Council: Bishops Tachbrook
Case Officer: Liam D'Onofrio

Registration Date: 15/01/15

Expiry Date: 16/04/15

01926 456527 liam.donofrio@warwickdc.gov.uk

Grove Farm, Harbury Lane, Bishops Tachbrook, Leamington Spa, CV33 9QF

Reserved matters application for the layout, scale and appearance of 90 dwellinghouses comprising one and two storey housing together with associated garages, parking facilities, infrastructure, landscaping and drainage, forming Phase 1 of the Grove Farm Harbury Lane development granted under outline planning permission W/14/0023. FOR A C Lloyd Ltd

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

This application seeks the approval of reserved matters relating to appearance, layout and scale, following the grant of outline permission on 29th May 2014 (W/14/0023) for an urban extension comprising approximately 200 dwellings with new access onto Harbury Lane, land safeguarded for a new primary school, allotments, open space, local shop (A1 use up to 100 sqm gross), car parking and associated infrastructure for up to 200 new homes, public open space, landscaping, new access and highways and associated and ancillary development. The site access from Harbury Lane was approved under this outline planning permission. This reserved matters application does not include landscaping, which has been reserved for future consideration.

This reserved matters application provides details for Phase 1 only, which comprises 90 units located within the northwest part of the site, south of Harbury Lane and east of Heathcote Mobile Home Park. Details have been provided on house types, associated layout, including identification of areas of open space for this phase of development.

THE SITE AND ITS LOCATION

The application site relates to a green field site comprising arable fields located south of Harbury Lane and west of Oakley Wood Road. The housing estate of Warwick Gates is located to the north of Harbury Lane, Heathcote Park static

caravan park is located to the northwest and open fields lie to the south (where outline permission for Phase 2 - 520 dwellings is currently being assessed under W/15/0217) with the village of Bishop's Tachbrook beyond. The site is within open countryside on the edge of the conurbation of Warwick/Royal Leamington Spa.

PLANNING HISTORY

W/15/0217 - Outline planning application for 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 : Pending

W/14/0023 - Residential development (approximately 200 dwellings) with new access onto Harbury Lane, land safeguarded for a new primary school, allotments, open space, local shop (A1 use up to 100 sqm gross), car parking and associated infrastructure: Granted 29/05/14

W/13/0036 - Residential development (approximately 200 dwellings) with new access on to Harbury Lane, land safeguarded for a new primary school, allotments, open space, local shop (A1 use up to 100 sq m gross), car parking and associated infrastructure: Refused 15/10/13

RELEVANT POLICIES

The Current Local Plan

- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)

- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS13 - Allocation of Land for a Country Park (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR3 - Transport Improvements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NP1 - Neighbourhood Plans (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Affordable Housing (Supplementary Planning Document - January 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)

- Vehicle Parking Standards (Supplementary Planning Document)
- Warwickshire Landscape Guidelines SPG
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Bishops Tachbrook Parish Council: No observations received.

WCC Highways: No objection, following amendment to layout.

WCC Ecology: No objection, subject to conditions.

WCC Archaeology: No objection as issues addressed at outline stage.

Environment Agency: Issues addressed at outline stage.

Warwickshire Police: No objection, secured by design principles to be complied with.

Public response:

There have been 12 objections, however none of these raise matters material to the consideration of this reserved matters planning application in relation to appearance, layout, scale and landscaping.

One neutral comment has been received raising the following material comment:

- Whilst appreciating the houses have to be built there is overlooking concern to Heathcote Park and a request that Plots 56-57 be altered to bungalows.

ASSESSMENT

As the principle for the development has already been established under outline planning application W/14/0023 the main issues relevant to the consideration of this application are as follows:

- Design and layout;
- The impact on the Character and Appearance of the Area;
- The impact on the living conditions of nearby dwellings;
- Car Parking and Highway Safety;
- Ecological Impact;
- Health and Wellbeing.

Design and layout

The Garden Towns, Villages and Suburbs Approach

The Council's 'Garden Towns, Villages and Suburbs' Prospectus seeks to bring together the key characteristics of the garden suburbs and villages approach, which include coherent and well planned layouts, high quality design and consideration of long term management arrangements. The site is considered to fall within the category of 'neighbourhood edge', lying at the edge of the developable area and adjoining countryside. The development has also considered the Council's 'Draft Design Guidance for the Strategic Urban Extensions - South of Leamington Spa and Warwick - March 2015' which seeks to establish a strategic framework that extends across all areas to ensure consistency.

It is considered that the proposed scheme will provide a high quality residential environment which conforms to the garden suburb design principles exhibiting the characteristics of a leafy well designed residential neighbourhood within which open space and structural landscaping is an integral part.

The main spine access is shaped to naturally slow traffic and will provide a principle route through the development with wide pavements and tree-lined verges meeting widths specified within the 'Strategic Urban Extension' document. The scheme also provides a legible hierarchy of streets and spaces in accordance with this document with neighbourhood streets off the principle route and access drives meeting 'country lane' dimensions, adjacent to areas of public open space. Dwellings facing onto these areas of public open space also provide natural surveillance.

The prospectus indicates that the linear layout can be less regimented for the 'neighbourhood edge' with a looser urban pattern of semis and detached houses. The layout provides well defined perimeter blocks with front and rear gardens to provide an acceptable level of amenity space and ample space for soft landscaping opportunities that will add to the verdant, garden suburb character (landscaping will be considered within a separate reserved matters application).

The Council's Supplementary Planning Guidance - Distance Separation (2003) as referred to in the Adopted Local Plan set standards for the distance separation between the windows of habitable rooms in dwellings. In particular, the policy states that there should be 22 metres between two storey dwellings, although this standard is reduced when the distance is measured across public space or a road where there would be public activity. The distance between a side and rear elevation should be 12 metres. There are elements of the scheme where these separation distances fall short by approximately one metre, however this reflects the fact that dwellings have been pushed back from the highway to provide deeper front gardens and the overall character of the area is one of spaciousness, positively meeting the aims and objectives of the garden suburb prospectus and ensuring a good standard of amenity for future occupiers.

Properties are traditionally designed two-storey dwellinghouses with a good mix of semi-detached and detached dwellings, interspersed with terraced properties, a semi-detached bungalow and six maisonettes. The properties are considered to provide an appropriate design solution with corner properties having a dual aspect and key properties fronting the principle road, occupying corner plots and fronting public open space all having chimneys, which is considered to provide

an important architectural feature. It will be appropriate to condition material samples to ensure an appropriate finish.

A condition was imposed at Outline stage to ensure that an appropriate level of open space and recreational facilities are provided to serve the development, including informal open space, appropriate children's play facilities, outdoor sport facilities and allotment gardens. This phase provides large areas of linear public open space to the northern and southern boundaries and two area of public open space located centrally within the development and includes the attenuation pond to the eastern edge of the site. Further open space will be provided on the second phase, including allotment gardens.

Housing mix

Paragraph 50 of the NPPF states that local planning authorities should plan for a mix of housing, based on current and demographic trends, market trends and the needs of different groups in the community. It goes on to state that local planning authorities should identify the size, type, tenure and range of housing that is required in different locations. In accordance with these requirements, the Council has adopted guidance on the required mix of market housing (June 2013). This is based on the 2012 Strategic Housing Market Assessment for Warwick District and specifies a mix of 7% 1 bedroom dwellings, 26% 2 bedroomed dwellings, 43% 3 bedroom dwellings and 24% 4 bedroom dwellings. This phase of development provides:

Market Housing

Bedrooms	Total	% Proposed	WDC requirement	Difference
1-bedroom	0	0	7%	- 7%
2-bedroom	8	15%	26%	- 11%
3-bedroom	27	50%	43%	+ 7%
4/5-bedroom	19	35%	24%	+11%
Total	54	100	100	

It will be necessary to ensure that the mix of house types for phase 2 are balanced to create the appropriate mix across the whole development site. Within that context it is considered that the mix and distribution of housing types proposed as part of the first phase is acceptable. It is noted that the total housing mix for this phase (market and affordable) closely aligns to the housing mix requirements providing: 7% - 1 bed units; 31% - 2 bed units; 39% - 3 bed units; and 23% 4/5 bed units.

Affordable Housing

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

Bedrooms	Total
1-bedroom	6
2-bedroom	16

3-bedroom	12
4-bedroom	5
Total	36

The current phase provides 40% affordable housing comprising the mix of dwelling sizes set out above. The affordable houses are focused to the north of the site, however this presents an acceptable layout when viewed in the context of a smaller phase within a larger site where there is opportunity to create an even spread of affordable housing.

The impact on the living conditions of nearby dwellings

The proposed layout and design of this development in accordance with the garden suburb approach will provide a high level of residential amenity to the future occupiers of the development within an attractive setting. The separation distances to surrounding properties are considered to be acceptable and despite minor shortfalls the proposed development will provide appropriate relationships between neighbouring properties without significant impact upon the amenities of the occupiers.

The request by the adjoining resident on Heathcote Park to alter Plots 56-57 from two-storey properties to bungalows has been carefully noted, however the Council's minimum separation distances between the existing and proposed dwellings here are exceeded, providing an acceptable level of amenity and there would therefore be no justification to request this alteration.

Car Parking and Highway Safety

The site access from Tachbrook Road has previously been agreed at outline stage. Each property has an appropriate level of parking in accordance with the Council's Vehicle Parking Standards and bin collection points have been provided where necessary.

The Highway Authority made a number of comments regarding the proposed layout and the following amendments were requested:

- The footpath running through the public open space along the northern edge of the site should continue to the north-east corner and connect with a new future footpath, which will abut the southern side of Harbury Lane to connect the development to the adjoining Heathcote Park.
- The spine road dimensions need to reflect the 'Strategic Urban Extension' guidance, as this specification will also need to be applied to the spine road passing through the Severn Trent Water and Gallagher sites. The guidance specifies a minimum carriageway width of 6.1 metres, a grass verge of 3 metres on both sides, and a footpath of 3 metres on both sides.
- The Highway Authority have raised some concerns with the ability to meet necessary visibility splays for reversing vehicles from specific plots. Increasing the pavement/verge width adjacent to plots 1-7 should improve this. A number

of other small adjustments to boundary wall locations and re-positioning of street trees have been sought to avoid any conflict with visibility.

- A raised table was originally proposed to the spine road and it has been requested that this be removed to facilitate bus access. Other raised tables need to be relocated to junctions with all proposed block paving replaced by coloured aggregate or bound gravel. On Plots 33-38 a divider has been requested (similar to that provided to the other private drives) to prevent through traffic.

The Highway Authority have confirmed that the revised layout drawings have addressed their initial concerns and that they have no objection to the scheme.

Ecological Impact

The Ecologist was satisfied at outline stage that any ecological impact could be successfully mitigated through planning conditions and these were imposed upon the original outline application W/14/0023. These ecological conditions do not need to be replicated as part of this reserved matters application and will need to be discharged in agreement with the Ecologist prior to the commencement of the development phase. No further information is therefore required at reserved matters stage.

Health and Wellbeing

Warwickshire Police have requested that the development follows 'Secured by Design' principles. The proposed 1.8 metre high perimeter walls and fencing have been amended adding 200mm of trellis above, which cannot be easily climbed, improving security.

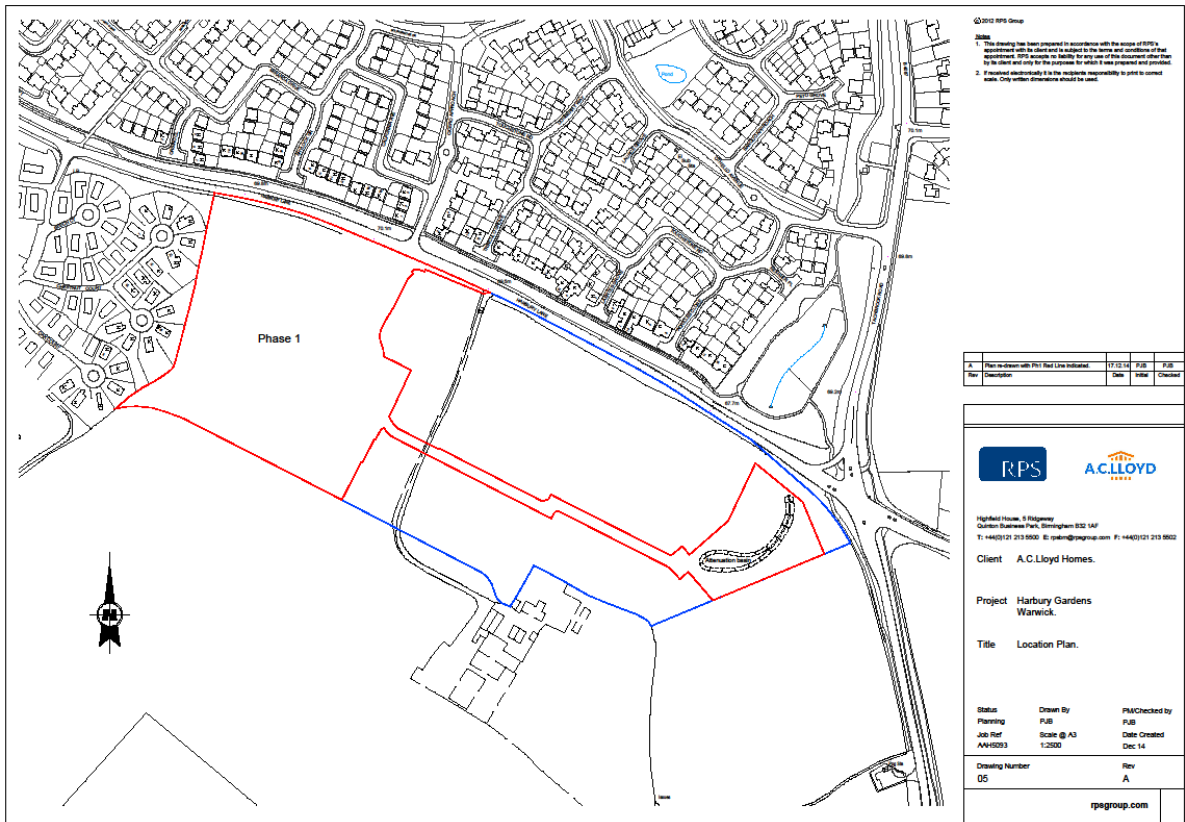
SUMMARY/CONCLUSION

The proposed development is considered to provide a high quality residential environment in accordance with the garden suburbs principles, including an appropriate mix of market and affordable housing and acceptable dwellinghouse and layout design solutions, including public open space, relevant to this particular phase of the development. The scheme therefore complies with the policies listed.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 12 Rev E; 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44, 59, 60 and specification contained therein, submitted on 07/01/15 and 23/03/15. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 2 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority.
REASON: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
 - 3 The development 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 adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.
 - 4 The landscaping scheme submitted as part of the application hereby permitted shall be completed, in all respects, not later than the first planting season following the completion of each phase of the development hereby permitted. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
-



RPS Group

Notes:

1. This drawing has been prepared in accordance with the scope of RPS's appointment and shall not be used for any other purpose without the prior written consent of RPS. RPS accepts no liability for any use of this document other than for the stated and only for the purposes for which it was prepared and provided.
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Rev	Description	Date	By	Check	Check

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Quinton Business Park, Birmingham B32 1AP
T: +44(0)121 213 9900 E: enquiries@rpsgroup.com F: +44(0)121 213 9902

Client A.C. Lloyd Homes.

Project Harbury Gardens
Warwick.

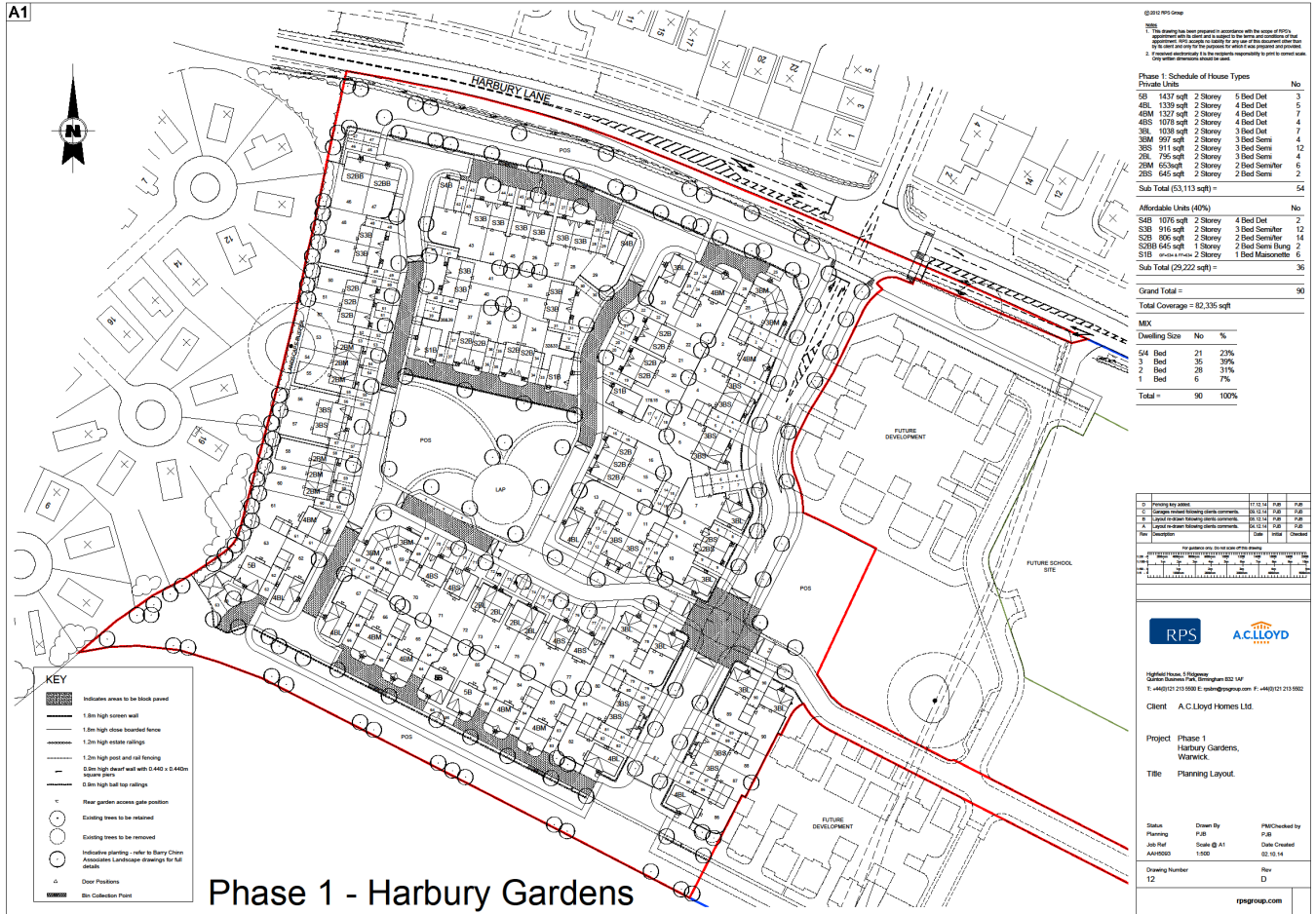
Title Location Plan.

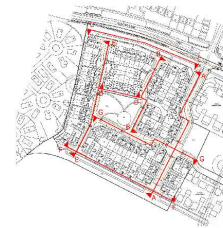
Status	Drawn By	PM/Checked by
Planning	PJB	PJB
Job Ref	Scale @ A3	Date Created
AAH0293	1:2000	Dec 14

Drawing Number	Rev
05	A

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A1





Application No: [W 14 / 0967](#)

Town/Parish Council: Warwick
Case Officer: Rob Young

01926 456535 rob.young@warwickdc.gov.uk

Registration Date: 02/07/14

Expiry Date: 06/04/15

Land North of Gallows Hill, Warwick, CV34 6SJ

Development of up to 425 residential dwellings (Use Class C3), medical centre, community hall, formal and informal green spaces, sports and recreation provision, structural landscaping, new roads, footpaths and cycle ways, site access and ancillary works (outline application including details of access). FOR
Warwickshire County Council

This application is being presented to Committee due to the number of objections that have been received from local residents and due to objections that have been received from the Town and Parish Councils.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions and subject to the completion of a satisfactory Section 106 agreement. Should a satisfactory Section 106 Agreement not have been completed by 6 April 2015, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

This is an outline application with all matters reserved apart from access. The application proposes the erection of up to 425 dwellings together with a medical centre, community hall and public open space. The application also proposes that part of the site will be safeguarded for educational use and for a community stadium. However, these uses do not form part of the application. Further planning applications will be submitted in the future for these facilities.

Two vehicular accesses are proposed, one from Gallows Hill and one from Europa Way. The Gallows Hill access will be signal controlled and will serve the main spine road for the development. This will link up with the spine road for the approved development to the north. The Europa Way access will be left-in / left-out and will be a secondary means of access to the development.

A plan has been submitted indicating building heights. This shows 2 and 2.5 storey buildings across the majority of the site, with small groups of 3 storey buildings. The development would have a density of approximately 32 dwellings per hectare (based on the net residential area).

The education land, combined with a larger area of land included within the adjacent development to the north, is intended to accommodate a new education campus to include an enlarged secondary school and a primary school. This land

is situated alongside the existing site of Myton School and it is proposed that the new education campus would include the existing Myton School site and the additional land provided within the current application site and adjacent site.

The community stadium land is situated alongside Gallows Hill and the proposed spine road. It is intended that this will accommodate a new stadium for Leamington Football Club to include facilities that will also be available for community use.

The application proposes a reduced affordable housing provision of 35% to compensate for the loss of development value associated with the provision of the community stadium land. The provision of the community stadium land represents an additional cost that the owner / developer of the current site has to bear, over and above the costs that owners / developers of other nearby sites have been subject to.

A total of 6.6ha of public open space is proposed to be provided on site. This would include a range of typologies of open space including amenity green space, parks and gardens, natural areas, allotments and children's / youth play areas.

In terms of drainage, the application proposes that surface water run off from the site will be controlled via a range of Sustainable Urban Drainage System techniques, including permeable paving, swales and attenuation ponds.

The application was accompanied by extensive supporting documentation, including an Environmental Statement.

Negotiations are ongoing over the precise content of the Section 106 agreement. It is expected that this will secure the following:

- Preparation and agreement with the local planning authority of an Employment & Training Strategy to link local people with employment, training and contract opportunities arising from the development during its construction phase.
- Preparation and agreement with the local planning authority of the design, management and maintenance of SUDS, adoption of SUDS and payment of the management/maintenance fees for 13 years.
- Preparation and agreement with the local planning authority prior to the commencement of development of a Biodiversity Offsetting Scheme for off-site compensation to be identified in a Biodiversity Offsetting Report. The applicant would then deliver the agreed Scheme by funding the offsetting measures and their management/maintenance costs for at least 25 years.
- Preparation and agreement with the local planning authority of a Site Wide Infrastructure Design, Management and Maintenance Strategy for areas of public open space within the site which shall provide for public access to open spaces in perpetuity. Payment of the management/maintenance fees for 13 years.
- Requirement for children's play space to be provided in accordance with a scheme to be submitted for approval.
- A contribution of £6,000 per open market dwelling towards the cost of off-site highway improvement schemes.
- A contribution of £638 per dwelling towards the provision of a bus service to the site.

- A contribution of £4,455 towards the cost of improvements to public rights of way within a 1.5 mile radius of the site.
- A contribution of £75 per dwelling for sustainable welcome packs to help promote sustainable travel in the local area.
- A contribution of £8,007 per dwelling towards funding new primary, secondary, sixth form, early years and special needs school places.
- Provision of a 2.06ha site for education use.
- Provision of a 3ha site for a community stadium.
- Provision of a 0.25ha site for a community hall.
- Provision of a 0.25ha site for a GP surgery.
- A contribution of £420.64 per dwelling towards the capital costs of construction of a new 5 GP surgery as required by NHS Property Services.
- A contribution of £1,039.65 per dwelling towards funding a new ward block at Warwick Hospital and additional outpatient, diagnostic, treatment and inpatient facilities, including hubs for community health care teams at Warwick and Leamington hospital sites as required by the NHS Foundation Trust.
- A contribution of £106,682 to fund police infrastructure.
- A contribution of £21.89 per dwelling towards library facilities.
- A contribution of £768 per dwelling towards the provision of a country park.
- A contribution of £831.04 per dwelling to fund improvements to indoor sports halls and swimming pools within Warwick District.
- A contribution of £56.73 per dwelling to fund improvements to outdoor sports facilities within Warwick District.
- Provision of 35% affordable housing, to deliver a tenure mix of 60/25/15% social rent / affordable rent / shared ownership. The level of affordable rent would be restricted to the mid point between social rents and 80% of market rent levels.
- A contribution to fund the costs of the Council in monitoring the agreement (the lesser of £30,000 or 1% of the total of financial contribution).

THE SITE AND ITS LOCATION

The application site is situated adjacent to the edge of the urban area of Warwick. The site measures 24 hectares and is currently in agricultural use. The Agricultural Land Classification of the site is predominantly Grade 2, with small areas of Grade 3a and unclassified land.

The site forms part of housing allocation H01 "Land West of Europa Way" in the Draft Local Plan. This allocation includes health facilities, a local centre and other community facilities including a community hall and a community stadium. The north-western corner of the site is allocated for education use. The site is situated within an area designated as an Area of Restraint in the current Local Plan (1996-2011).

The northern boundary of the site adjoins further agricultural land that is also within the H01 housing allocation in the Draft Local Plan (for which planning permission was granted for residential development in December 2014). The eastern boundary is formed partly by Europa Way, with the Tachbrook Park employment area situated on the opposite side of Europa Way. The remainder of the eastern boundary adjoins a smaller triangle of agricultural land that is also within the H01 housing allocation. The southern boundary of the site adjoins Gallows Hill, with open countryside beyond. The western boundary of the site

adjoins Warwick Technology Park and the dwelling at Heathcote Hill Farmhouse, a Grade II Listed Building.

There are two existing cottages within the site, adjacent to the western boundary. Overhead power lines cross the site, running from north to south through the centre of the site.

PLANNING HISTORY

There have been no previous planning applications relating to the application site.

RELEVANT POLICIES

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS12 - Allocation of Land for Education (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS13 - Allocation of Land for a Country Park (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS14 - Allocation of Land for Community Hub (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR3 - Transport Improvements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS5 - Directing Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE4 - Landscape (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- W1 - Waste Core Strategy (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM2 - Assessing Viability (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Warwickshire Landscape Guidelines SPG
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Object on the following grounds:

- 1) The recent ONS population projections and household density levels have demonstrated that the Draft Local Plan is unsound and that the number of dwellings necessary to meet local needs is grossly inflated, based upon the JSHMA, which forecasts a population growth of some 30% above the National ONS figures. Based upon the 15,313 ONS population projections and household density at 2011 census levels the number of dwellings required in a Local Plan would be less than 7,000.
- 2) The ONS population and household density levels demonstrates clearly that the District has sufficient land to meet a five year housing demand and consequently the application should be refused.
- 3) The grant of planning permission for this development and other similar applications effectively delivers an unsound Draft Local Plan by default.
- 4) Notwithstanding the above, the development would contribute to a higher level of vehicle movements and would worsen the existing high levels of nitrogen dioxide pollution in Warwick Town Centre.
- 5) There is no evidence that the development would not generate vehicle movements harmful to highway safety, and be accommodated by infrastructure to meet highway needs, which would arise from the development.
- 6) The Draft Local Plan has not demonstrated that the development of this site would impact on the levels of infrastructure within the Town, which could support the development and in particular relating to schools and health care needs.

Bishops Tachbrook Parish Council: Object on the grounds that the latest ONS projected population figures state that these houses are no longer required.

Public response: 46 objections have been received, raising the following concerns:

- Warwick District does not need 12,300 new homes;
- contrary to the Local Plan;
- this is an Area of Restraint;
- this would merge Warwick and Leamington together;
- approving this development would be premature in advance of the new Local Plan;
- new development should be spread more evenly around the District;
- more brownfield land should be developed first;
- harm to the historic character and setting of Warwick;
- extra traffic will damage the Castle Bridge;
- harm to the rural landscape and the setting of Warwick Castle;
- loss of high grade agricultural land;
- loss of ecology;
- loss of green space;
- access should be via Europa Way only;
- traffic congestion;
- harm to highway safety;

- good public transport links should be provided;
- this would be an unsustainable form of development, remote from local services;
- insufficient parking;
- employees of Warwick Technology Park will cause parking problems within the new development;
- noise and air pollution;
- loss of privacy;
- pressure on local infrastructure and services;
- increased flood risk; and
- loss of archaeology.

One neighbour has submitted comments in support of the application on the grounds that the proposals for residential development across the site were more appropriate than the Local Plan allocations for employment use and a sports stadium. These comments were submitted prior to the application being amended to reserve land for a community stadium.

Gallagher Estates and Mrs Moreton: Request that a condition is imposed to require access to be provided to their site alongside Europa Way. This is necessary to ensure the comprehensive development and delivery of the whole housing allocation.

Myton School: Do not object to the residential developments in this area in principle and indeed welcome the allocation of housing sites as an opportunity to provide a better education offer in this area. Many of the school buildings at Myton are around 60 years old and their replacement would provide a better, modern educational environment. Accordingly Myton School does not object to the principle of development provided that, through obligations and conditions, the developers are required to make a significant contribution to the delivery of better education in the area.

However, Myton School are concerned that the delivery of better education will only be achieved if there is a comprehensive strategy to link the grant of planning permission to achieving the timely provision of classrooms and other education facilities. A delivery strategy has yet to be produced.

Myton School are also concerned about any proposals to reduce the education contribution below the £8,007 per dwelling that has been secured on other sites. Myton School also request that the education land is transferred directly to them, rather than the County Council.

Advise that construction access will be required via the spine road no later than April 2016. Also make comments regarding cycle routes and the ability to link up to future routes through the school grounds.

Conservation Advisory Forum: It was pointed out that this was contrary to the local plan use for this land which is not actually employment. Fundamental objection in conservation terms was felt to be the increase in traffic to both Warwick and Leamington Conservation Areas. Historically it was felt that this was a green wedge, an area of restraint. It was felt that development on this site would lead to coalescence between the two towns of Warwick and Leamington. It was felt that there would still be some impact on the setting of Castle Park as once hedges were removed there would be views across the Banbury Road to the

top of Gallows Hill, which is on rising ground and possible development on the site in question. It was felt that much of the comments on the previous Gallows Hill site to the south could be repeated here. It was strongly felt that there was a loss of green corridor between the two towns by this development.

Natural England: No objection. Make detailed comments in relation to agricultural land quality, green infrastructure, protected species and biodiversity enhancements.

Environment Agency: No objection, subject to conditions.

Highways Agency: No objection, subject to a condition to require a Travel Plan.

Sport England: Object, unless the applicant can provide suitable proposals for playing pitches together with a contribution towards built sports facilities.

Severn Trent Water: No objection, subject to a drainage condition.

Stagecoach: Object. Raise a variety of concerns about the wider planning of new developments to the south of Warwick and Leamington and the associated transport infrastructure requirements from a bus / sustainable transport perspective. This development and adjoining sites should include comprehensive proposals for a high quality bus corridor linking a suitable virtual park and ride facility on land to the south through the site and on to Leamington Town Centre and the pump-priming of high quality bus services. The absence of any such comprehensive proposals would adversely affect the ability to provide a suitable bus service to the site.

Stagecoach make the following specific requests in relation to the current development:

- the access onto Gallows Hill should align with the access to the site on the southern side of Gallows Hill where the Council refused planning permission;
- peak-only bus gates should be incorporated on the spine road;
- sufficient drop-off facilities should be provided for the schools; and
- a pedestrian link should be provided through to the Technology Park.

Western Power Distribution: No objection.

English Heritage: Initially raised concerns about the impact on the wider setting of Warwick Castle Park and about traffic generated by the scheme. Subsequently submitted further comments to clarify these concerns advising that, subject to suitable mitigation, the impacts are likely to be considerably less than first thought. Refer to Paragraph 32 of the NPPF in relation to dealing with the traffic consequences of development. Advise that the impact of increased traffic on heritage assets including the Castle Bridge and the wider historic town and Conservation Area needs to be considered for each scheme which is being proposed in the area.

Warwickshire Police: No objection, but make recommendations for security measures to be incorporated into any reserved matters application. Request a contribution of £106,682 towards police infrastructure.

South Warwickshire NHS Trust (Acute and Community Healthcare):

Request a contribution of £1,039.65 per dwelling towards providing a new ward block at Warwick Hospital and providing additional outpatient, diagnostic, treatment and inpatient facilities, including hubs for community health care teams at the Warwick and Leamington hospital sites.

NHS Property Services (Primary Care): Request a contribution of £420.64 per dwelling and a 0.25ha site for a new GP surgery.

WCC Highways: No objection, subject to conditions and Section 106 contributions.

WCC Fire & Rescue: No objection, subject to a condition to require details of water supplies and fire hydrants.

WCC Education: Request a financial contribution together with the provision of land for primary and secondary education provision.

WCC Libraries: Request a contribution of £21.89 per dwelling towards library facilities.

WCC Ecology: Initially objected on the grounds of biodiversity loss and impact on badgers. Subsequently the applicant has submitted further information to demonstrate that the biodiversity loss can be offset by compensatory works off-site and to demonstrate that the detailed layout can provide suitable habitat for badgers. This can be secured by conditions and in the Section 106 agreement.

Recommend conditions to require a Protected Species Contingency Plan, a Construction and Environmental Management Plan and a Landscape and Ecological Management Plan. Also recommend conditions regarding tree and hedgerow protection and lighting details.

WCC Archaeology: No objection, subject to a condition to require a programme of archaeological works to be carried out.

WCC Rights of Way: Request a contribution of £4,455 towards improvements to public rights of way within a 1.5 mile radius of the application site.

WDC Housing Strategy: 40% affordable housing should be provided (comments made prior to the application being amended to reduce the affordable housing provision to 35% to account for the provision of land for a community stadium).

WDC Environmental Health: Recommend conditions to require a Low Emissions Strategy, a Contamination Assessment, a Construction Management Plan and details of noise insulation measures in relation to road noise. Also require measures to mitigate the impact of the development on air quality.

WDC Tree Officer: No objection in principle. The detailed layout can be designed to mitigate the impact on important trees and hedgerows.

WDC Community Protection: No objection, subject to conditions. Advise that further drainage / flood risk information will have to be submitted at the detailed design stage.

WDC Greenspace Development Manager: The proposed green space for this development exceeds the requirements of the Council's Open Space Standards in terms of both overall area and when broken down by each typology of open space. Make various detailed comments regarding the design, layout, maintenance and access to the proposed open space within the site.

WDC Waste Management. No objection. Make detailed comments about the requirements for refuse and recycling storage and collection.

WDC CCTV Manager: No objection, but requests a contribution of £40,000 plus a contribution to fund ongoing maintenance for two new CCTV cameras to cover the development.

ASSESSMENT

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

- the principle of development;
- the impact on the living conditions of nearby dwellings;
- noise;
- air quality;
- landscape impact;
- impact on trees and hedgerows;
- heritage impacts;
- traffic impact / highway safety;
- affordable housing;
- the impact on local services;
- the ecological impact of the proposals;
- provision of open space;
- drainage and flood risk;
- loss of agricultural land;
- health and well-being; and
- provision of access to the adjacent housing site.

The principle of development

Five year housing supply / Current policy position

The site is within open countryside adjoining the edge of the urban area of Royal Leamington Spa and Warwick, where the current Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. The National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement.

In terms of the most recent evidence of housing need, the Council are now able to demonstrate a five year supply and it is therefore considered that Policy RAP1 should no longer be considered as out-of-date. Whilst greater weight can be attributed to Policy RAP1 it must also be recognised that the current Local Plan covered the period from 1996-2011 and therefore makes no provision for the

future housing needs of the District. The weight afforded to Policy RAP1 must therefore be carefully considered when assessing this particular application site, as it is clearly contrary to the direction of travel for the District's emerging policies relating to the strategic urban extensions.

The NPPF seeks to significantly boost the supply of housing and whether relevant policies for the supply of housing are up-to-date or not the NPPF is clear that housing applications should be considered in the context of presumption in favour of sustainable development. The NPPF is a material consideration that is afforded significant weight.

Furthermore the application site forms part of Greenfield Site H01 – Land West of Europa Way, which is allocated for housing development within Policy DS11 of the emerging Draft Local Plan, which is also gaining weight as a policy document. The site has been specifically identified through the Local Plan process to meet the future housing needs of the District and is considered to be within a sustainable location and compatible with the policies within the NPPF when taken as a whole.

The scheme will contribute towards helping the Council meet and maintain its five year requirement and granting outline permission for this site would increase the supply of land for housing, which carries significant weight in the assessment of this application. With potential challenges over the calculation for the five year supply the approval of this development (which is on an allocated housing site) will strengthen the District's ability to demonstrate a robust 5 year supply, at a sensitive stage where there are outstanding Planning Appeals on wholly inappropriate development sites. It will further strengthen the case regarding the ability of the emerging Local Plan proposals to meet the District's housing requirement and to maintain a 5 year supply throughout the plan period.

It has been estimated that the site could contribute some 200 dwellings within the 5 year plan period to 2020. Beyond that it will continue to contribute to a rolling 5 year supply through the period covered by the Local Plan.

Prematurity

The development site forms part of the allocated housing site H01, which has several different land owners who will be developing different parts of the site separately. The District Council have commissioned the "Draft Design Guidance for the Strategic Urban Extension South of Royal Leamington Spa and Warwick - March 2015", which seeks to ensure that the development in the areas of the strategic urban extension come forward in accordance with the garden suburb ambitions for the area. The document will also establish a strategic framework that extends across all areas to ensure that each component that comes forward has due regard to its part in the comprehensive whole.

The development of the application site would not prevent any other adjoining development sites identified in the emerging Draft Local Plan from coming forward and it is not dependant on, nor incompatible with, any other development sites which have been or are being considered. It is not therefore considered that permission should be refused on the grounds of prematurity.

Impact on the living conditions of nearby dwellings

The application site adjoins one residential property at Heathcote Hill Farmhouse. There are also two dwellings within the site that are proposed to be retained. The site currently provides a rural outlook for those dwellings. However, protecting the views of existing dwellings is not a material consideration in assessing a planning application. As this is an outline application, the detailed layout is not known at this stage. However, the size of the site is such that there is scope to design a detailed layout that would provide an acceptable relationship with these existing dwellings that would not cause unacceptable loss of light, loss of outlook or loss of privacy.

In reaching this conclusion it is important to note that the proposals for a community stadium and an education campus are not part of the development proposed by this application. As and when these developments come forward in the future they will be the subject of separate planning applications when the impact of those proposals can be assessed.

The impacts on nearby dwellings in terms of noise and air quality are discussed under separate headings below.

Noise

The proposals would result in increased traffic along surrounding roads and this would have implications in terms of noise. However, the Environmental Statement submitted with the application concludes that there would only be a limited increase in road traffic noise attributable to the proposed development and that this will not result in significant effects. The conclusions of the Environmental Statement have been accepted by Environmental Health.

In terms of construction noise, the applicant proposes to prepare a Construction Environment Management Plan and this would include measures to control construction noise. A condition is recommended to secure this. All construction traffic is proposed to access the site via Gallows Hill, enabling this to be routed away from sensitive receptors.

In terms of the impact of noise on the proposed dwellings, the main source would be traffic on Europa Way and Gallows Hill. The Environmental Statement advises that the installation of standard double glazing will provide sufficient noise attenuation across the majority of the development, with higher specification glazing potentially required for those properties facing Europa Way and Gallows Hill. The process of designing the detailed layout will also provide the opportunity to position and orientate the proposed dwellings to minimise noise. Environmental Health have raised no objection on these grounds, subject to a condition to require a scheme to be submitted to protect residents of the development from traffic noise.

Air quality

WDC Environmental Health consider that the additional traffic generated by the proposed development will inevitably lead to an increase in vehicle emissions in the area. Environmental Health have recently published the Air Quality Planning Policy Guidance which recognises the impact of road transport emissions creep due to the aggregated impact of development schemes. The policy requires developers to use 'reasonable endeavours to minimise emissions and, where necessary, offset the impact of development on the environment'.

Environmental Health have advised that a low emission strategy should be produced for the development, which should include measures to mitigate the impact of the development on air quality. This can be required by condition. The approval of a suitable low emission strategy would ensure that the development does not have an unacceptable impact on air quality.

Landscape impact

In terms of existing landscape character, the Warwickshire Landscape Guidelines include the application site within the Feldon and Dunsmore character area and the Feldon Parklands landscape type. The Guidelines advise that this landscape type is characterised by rolling topography, woodland and scatter farmsteads.

The entire site is located within a wider Area of Restraint defined in the current Local Plan and subject to Policy DAP2. This seeks to protect these areas from proposals that could alter their predominantly open character. The supporting text to Policy DAP2 notes that the value of the Areas of Restraint lies in their contribution to the structure and character of the urban area, providing open areas around towns. The development proposal would therefore be contrary to Policy DAP2 since it would harm the open nature of the area. However, the Draft Local Plan removes the Area of Restraint designation for the application site and allocates the site for housing. In drawing up the Draft Local Plan it was decided that the Area of Restraint designation for this particular site conflicted with the need to identify sufficient land to meet the housing needs of the District in sustainable locations.

Objectors have raised concerns about development in this particular part of the Area of Restraint contributing to the coalescence of the towns of Warwick and Leamington. In this regard, it is notable that the supporting text to Local Plan Policy DAP2 does not specify this as a purpose of the Policy; the only comments about coalescence refer to preventing surrounding villages merging into the towns, rather than the towns merging together. In any case, the merging of Warwick and Leamington has already taken place to a large extent, including the development around Saumur Way and Aragon Drive immediately to the north of the H01 housing allocation that the current application site forms part of. Furthermore, the H01 housing allocation is arguably the most sustainable area for an urban extension south of Warwick and Leamington and therefore it is considered that the sustainability benefits of developing this site rather than other more remote sites would outweigh any concerns about further coalescence of the two towns.

The development of this site will have an adverse visual impact on the rural area by introducing large scale built development on a greenfield site. The site is visible from the adjoining residential development site to the north, from commercial development to the east and west and from the countryside to the south.

In order to inform the assessment of potential residential development sites, the Council commissioned a Landscape Consultant (Richard Morrish Associates) in 2009 to carry out a Landscape Character Assessment of land to the south of Warwick and Leamington, including the current application site. The conclusions for the application site (and adjoining land to the north) were: *"Although this wedge of undeveloped land has been a strategic break between Warwick and Leamington, we feel its value to the setting of the towns has been greatly*

diminished by surrounding land use. We feel that carefully considered development here could enhance the setting of the towns and provide a better transition from rural to urban land”.

The site was considered within a further 2012 assessment by the same consultants: “Options for Future Urban Expansion in Warwick District Considerations for Sustainable Landscape Planning”. This report assessed the cumulative impact of development on the application site and further development sites to south of Harbury Lane. This did not raise any objections in principle to development on the application site.

In accordance with the Landscape Consultant's recommendations, it is considered that the landscape impact of development on the application site would be acceptable and could be mitigated to minimise the impact on the rural landscape. In terms of the impact on the wider rural landscape, development on this site would have considerably less impact than development on the other sites included in the Draft Local Plan. Out of all of the potential urban extension sites, the application site has arguably the most urban setting at present, being adjoined by the existing urban area to the east and west as well as a further proposed development site to the north. Consequently, in the context of the scale of growth that is likely to take place on nearby sites, there would be little impact on the wider rural landscape as a result of development on the application site.

The detailed layouts and heights of buildings, and the detailed landscape mitigation and open space layout will be subject to the consideration of a reserved matters application. However, in principle, it is considered that the development of this site could be mitigated to an appropriate standard to avoid serious and unacceptable visual harm to the rural landscape or to the setting of Warwick and Leamington.

The illustrative material submitted with the application indicates that there would be a mix of 2, 2.5 and 3 storey buildings. The detailed heights and size of building would be considered at reserved matters stage, but this mix of building heights is considered to be acceptable in this location.

Notwithstanding the mitigating factors outlined above, the development of this greenfield site would have a degree of adverse landscape impact. However, this needs to be balanced against the housing needs of the District. The benefits of securing 425 new dwellings to contribute towards housing needs in the District are considered to outweigh the limited landscape harm that has been identified.

This is in accordance with the conclusions of the Council in relation to the remainder of housing allocation H01, for which planning permission was granted in December 2014 (Ref. W14/1076).

Impact on trees and hedgerows

There are a number of trees and hedgerows across the application site. As this is an outline application, the impact on these trees and hedgerows will not be known until reserved matters stage. The exception to this would be any trees and hedgerows affected by the access works, which are proposed in detail at this stage. There are no trees in the vicinity of the proposed accesses to the site from Gallows Hill or Europa Way. Short sections of the boundary hedgerows would

have to be removed to make way for these accesses. These works are considered to be acceptable because they relate to very small sections of hedgerow.

In order to accommodate a detailed residential layout it is likely that other less important trees and hedgerows will have to be removed. However, the appropriateness of this would be considered in the assessment of any subsequent reserved matters submission. There is scope for the layout to be designed around the important trees and hedgerows.

Heritage impacts

The closest designated heritage asset to the application site is the Grade II Listed Heathcote Hill Farmhouse. This is situated close to the western boundary of the site. The proposed development would not have any physical impact on the farmhouse, but it would impact on its setting. However, whilst the site would originally have formed part of the agricultural holding associated with the farmhouse, this relationship was lost some time ago and there has not been any agricultural land associated with the farmhouse for some time. Nevertheless, the land does still contribute to the setting of the farmhouse, even though it is in different ownership. However, the farmhouse has already lost much of its rural / agricultural setting due to the construction of Warwick Technology Park alongside its western boundary. Furthermore, the illustrative masterplan indicates that elements of the public open space for the development could be provided alongside the farmhouse, preserving some degree of its open setting. This would be a matter to be considered as part of any reserved matters submission. All things considered, it is concluded that the impact on the setting of Heathcote Hill Farmhouse will not be significant.

The scale of the development is such that there may also be potential impacts on designated heritage assets further afield. The potential impacts on each of these assets is considered below.

Looking first at the Castle Park (a Grade I Registered Park and Garden), the application site is located approximately 430m from the eastern boundary of the Park. The site is separated from the Park by Warwick Technology Park. Therefore the proposed development will not bring the urban area any closer to the Park. Furthermore, the proposed development would not be readily visible from within the Park due to the screening provided by existing trees within the Park, the local topography and the presence of Warwick Technology Park on the intervening land. Therefore it is not considered that the proposals would have a significant impact on the setting of the Castle Park.

The site would be visible from the Castle itself (a Grade I Listed Building and Scheduled Ancient Monument). However, this would be at a distance of 1.5km, with the site separated from the Castle by Warwick Technology Park. Furthermore, the site is viewed in amongst the existing urban form of Warwick and Leamington, including large scale buildings to the east (Tachbrook Park) and west (Warwick Technology Park). Furthermore, planning permission has already been granted for residential development on land to the north. Therefore residential development on the application site would not impact on any notable rural outlook from the Castle. Development on the application site will also not impact on the relationship between the Castle and the Castle Park. Therefore it is

not considered that the proposals would have a significant impact on the setting of the Castle.

With regard to the impact on the Castle Bridge (a Grade II* Listed Building and Scheduled Ancient Monument), there are no proposals to make any changes to this structure to mitigate the traffic impacts of the proposed development. On-going maintenance of the structure is the responsibility of the Highway Authority.

The Conservation Advisory Forum and local residents have raised concerns about increased traffic congestion and pollution in the Leamington Spa and Warwick Conservation Areas. However, there has been no objection from English Heritage or the Council's Conservation Architect.

English Heritage have advised that the scheme needs to be carefully considered in the light of its likely impact on traffic generation with respect to the Castle Bridge and the Warwick Conservation Area. However, they have stopped short of stating that the proposals would cause harm to these designated heritage assets.

In assessing whether the proposed development would have a harmful impact in this respect, it is important to bear in mind that significant traffic congestion already occurs within these Conservation Areas and on Castle Bridge. Therefore it is considered that additional traffic from the proposed development would not have a material impact in Conservation terms. Furthermore, any residential development within or on the edge of the towns is likely to have a similar impact within the Conservation Areas, but such development is essential to meet the need for new housing within the District.

If there is any harm to designated heritage assets, this is limited harm. It therefore falls to be considered under Paragraph 134 of the NPPF, which requires the Council to weigh the public benefits of the proposed development against any less than substantial harm to designated heritage assets. In terms of public benefits, the proposals would provide a significant number of new dwellings in a sustainable location to meet housing needs within the District. Therefore, if there is some limited harm to the designated heritage assets referred to above, it is considered that this is outweighed by the public benefits of the scheme.

In terms of non-designated heritage assets, the two existing cottages on the site are proposed to be retained. Therefore the proposals would not cause any harm in this respect.

The applicant has carried out an archaeological evaluation and this concludes that there are archaeological remains within the site. The County Archaeologist has advised that the loss of these remains can be appropriately mitigated by a programme of archaeological works and a condition is recommended accordingly.

Taking all of the above matters into account, it is considered that the proposals would have an acceptable impact on heritage assets.

Traffic impact / highway safety

The proposed development would increase traffic on the local highway network. The Transport Assessment submitted by the applicant considers the traffic impacts of the proposed development and concludes that no specific measures are required to mitigate the highway impact of the proposals as a standalone

development. However, the Transport Assessment accepts that more extensive mitigation works will be required to the local highway network when the cumulative impact of other proposals within the Draft Local Plan are taken into account. It is proposed that this would be secured via an off-site contribution.

The Highway Authority have accepted the conclusions of the Transport Assessment and have raised no objection to the proposals. They have requested contributions towards bus services, strategic highway infrastructure and sustainable welcome packs. It is expected that the Section 106 agreement will secure these contributions. There has also been no objection from the Highways Agency in relation to the impact of the development on the strategic highway network (the M40 and A46). Therefore the proposals are considered to be acceptable in terms of traffic impact and highway safety.

In terms of provision for pedestrians and cyclists, the Framework Travel Plan submitted with the application indicates that an extensive network of both shared use and segregated walking and cycling routes will be created within the site and these will connect to the existing external network. Detailed provision for walking and cycling within the site would be a matter to be considered as part of any reserved matters submission.

In general sustainability terms this site (together with land to the north) is arguably one of the most sustainable locations for an urban extension to Warwick or Leamington. It is situated in close proximity to a wide range of shops, services and employment opportunities and is as close to Warwick and Leamington Town Centres as an urban extension could be. Therefore, subject to the provision of appropriate local services and sustainable transport infrastructure to serve the development, there can be no objection in principle on sustainability grounds.

In terms of provision for bus services, the concerns of Stagecoach were forwarded to the Highway Authority to enable these comments to inform their assessment of the application. As the Highway Authority have not objected to the application, they clearly do not share Stagecoach's concerns. It is expected that a bus service will be routed through the site, along the spine road. The applicant has agreed to make a contribution towards funding this bus service, which will be operated by Stagecoach or another bus operator. Most of the proposed dwellings would be within 400m of a bus route. The bus service contribution and the strategic transport contribution will provide the Highway Authority with the resources to implement whatever bus priority measures that they consider appropriate. The Highway Authority will decide on the most suitable bus priority measures in the context of wider proposals for modifying nearby roads and junctions to cope with the cumulative level of housing growth in the Southern Development Area. Therefore it is considered that these outline proposals are acceptable in terms of provision for buses.

The indicative layout would allow for a rear entrance to be created into the expanded Myton School. This could help to alleviate existing problems associated with school traffic on Myton Road and should be considered as a benefit of the proposed development.

Issues relating to the detailed internal road layout and car parking would be considered as part of any reserved matters approval.

Affordable housing

The affordable housing requirement for this site has been reduced to 35% to compensate the applicant for providing land for the community stadium. The amount that the affordable housing requirement has been reduced by has been calculated as being equal to the development value that will be lost from the current site, compared with nearby residential development sites that have not been required to provide land for a stadium. Therefore this reduction in affordable housing is considered to be an appropriate and proportionate means of securing this important piece of infrastructure.

Unlike the site to the north, no further reduction in the affordable housing requirement is justified on the basis of the provision of land for the education campus. This is because the amount of education land provided on the current site (2.06 ha) is commensurate with the amount of land that is required for education purposes just to meet the needs of this particular development. Consequently this does not amount to a provision over and above the minimum necessary to mitigate the impacts of the development, which is different to the proposals on land to the north which contributed a much larger area of land for education purposes (7.12ha).

The affordable housing will comply with the requirements of the Council's Housing Strategy team in terms of tenure split and the level of affordable rents. Therefore the proposals are considered to be acceptable in terms of affordable housing provision.

Impact on local services

There is significant concern from local residents with regard to the scheme resulting in further pressure on public services, and in particular schools, doctors and hospitals.

In terms of schools provision, Warwickshire County Council have indicated that a financial contribution of £8,007 per dwelling will be required for education provision. There is also a requirement for land to be reserved within the site for a new primary school and an expanded secondary school.

In terms of hospitals, South Warwickshire NHS Trust have requested a contribution of £1,039.65 per dwelling towards the cost of providing a new ward block at Warwick Hospital and providing additional outpatient, diagnostic, treatment and inpatient facilities, including hubs for community health care teams at the Warwick and Leamington hospital sites.

NHS Property Services have requested a contribution of £420.64 per dwelling to fund the construction of a new doctor's surgery. They have also requested the provision of 0.25ha of land within the current application site for the doctor's surgery.

WCC Libraries have requested a contribution of £21.89 per dwelling towards library services.

The County's Rights of Way team have requested a contribution of £4,455 towards rights of way improvements within 1.5 miles of the application site.

Warwickshire Police have requested a contribution of £106,682 towards police infrastructure.

There are also requirements for contributions of £831.04 per dwelling towards indoor sports facilities and £56.73 per dwelling towards outdoor sports facilities. These contributions will address the issues raised by Sport England.

The Council's Greenspace Development Manager has advised that, if the open space land is to be transferred to WDC, then a commuted sum for maintenance would be required, including a sum for maintaining the proposed attenuation basin. A contribution of £768 per dwelling is also required for the creation / future maintenance of the proposed country park, which will be located to the south of the nearby residential development sites on Harbury Lane.

The proposed development includes a 0.25ha site for a community hall.

The application proposes to reserve a 3ha site for a community stadium.

Negotiations are ongoing regarding the precise details of the Section 106 agreement but it is expected that it will secure all of the above contributions. It is considered that this package of Section 106 contributions will provide adequate mitigation for the impact of the development on local services.

The ecological impact of the proposals

The development will result in the loss of existing wildlife habitats and has the potential to increase contaminated surface water run-off into watercourses. A number of protected species have been recorded on site, including great crested newts, bats and badgers.

WCC Ecology have carried out a Biodiversity Impact Assessment calculation to quantify the extent of biodiversity loss. It is expected that the Section 106 agreement will include provisions to secure a scheme to off-set this biodiversity loss. This will ensure that there is no net loss of biodiversity as a result of the proposed development. WCC Ecology have therefore now raised no objection to the application.

With regard to protected species, there are 4 badger setts on site. Separate consent would be required from Natural England if the setts are to be closed. If Natural England were to grant this consent, there would be a requirement for the badgers to be relocated to new setts within the site and this would require sufficient foraging habitat to be retained to support the new setts. As this is an outline application, with the detailed layout to be agreed at reserved matters stage, there is scope for the layout to be designed around any new setts, including provision of suitable foraging habitat. Therefore WCC Ecology advise that this matter can be satisfactorily addressed by the imposition of a condition to require the submission of a detailed badger mitigation plan.

There is a population of great crested newts in a pond on the site to the north. These newts may use the application site. There are proposals for the great crested newts to be relocated as part of the development of the land to the north. WCC Ecology have recommended that a condition be imposed to require the submission of a Construction and Environmental Management Plan to secure mitigation measures for all protected and notable species and this will be

sufficient to ensure that great crested newts are adequately protected (in combination with the relocation proposals that are to be agreed in relation to the development to the north). Natural England have raised no objection to the proposals on this basis.

The bat surveys carried out by the applicant identified various species of bats foraging on site. However, no bat roosts were identified. Therefore bats can be adequately protected by the conditions recommended by WCC Ecology.

Taking all of the above matters into account, subject to the mitigation measures that are to be secured by conditions and in the Section 106 agreement, it is considered that the proposals will have an acceptable ecological impact.

Provision of public open space

The application proposes to include 6.6ha of public open space within the site. The open space provision is in accordance with the requirements of the Council's Open Space Supplementary Planning Document (SPD) in terms of overall size and in terms of the proportions of the various types of public open space. The Council's Greenspace Development Manager has confirmed that the open space provision is appropriate.

It is also expected that the Section 106 agreement will secure a contribution of £768 per dwelling towards the new country park to the south of the nearby development sites on Harbury Lane.

Drainage and flood risk

The majority of the site is situated within Flood Zone 1 (i.e. land at lowest risk of flooding). The Myton Brook, a small tributary of the River Avon, passes along a small section of the site boundary. The area immediately adjacent to this watercourse is situated within Flood Zones 2 and 3. However, the illustrative masterplan shows the area either side of this brook designated as public open space. The proposed development plots could be accommodated on the parts of the site within Flood Zone 1 and therefore the site is considered to be suitable for residential development from a flood risk point of view.

There has been no objection from the Environment Agency, Severn Trent Water or the Council's Community Protection team. All of these consultees are satisfied that the drainage and flood risk information that has been submitted with the application is sufficiently detailed for these outline proposals. Conditions are recommended to require further details as part of any reserved matters submission.

The detailed drainage proposals will include Sustainable Urban Drainage Systems. WDC Community Protection would require these features to be adopted and this would be included in any Section 106 agreement, together with a requirement for a contribution towards the costs of future maintenance.

Loss of agricultural land

A number of objectors have raised concerns about the loss of productive agricultural land. The Agricultural Land Classification of the site is predominantly Grade 2, with small areas of Grade 3a and unclassified land. The detailed

breakdown is as follows: 22.6ha of Grade 2, 0.4ha of Grade 3a and 1.9ha unclassified. Consequently the majority of the site is classified as the best and most versatile agricultural land as defined in the NPPF.

Paragraph 112 of the NPPF states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Paragraph 112 goes on to state that, where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

Looking first at whether development of agricultural land is necessary, this is demonstrated by the housing needs of the District over the period covered by the Draft Local Plan. The housing needs of the District will not be met without developing significant areas of agricultural land.

Turning to the requirement for local planning authorities to seek to use areas of poorer quality land in preference to that of a higher quality, it must first be acknowledged that much of the agricultural land adjoining the urban area of Warwick and Leamington is classified as the best and most versatile agricultural and / or is situated within the Green Belt. Meeting the housing needs of the District and complying with Green Belt restrictions will inevitably require development on areas of the best and most versatile agricultural land.

A further factor of relevance to this issue in the current case is that this particular site (together with the land to the north) is probably the most sustainable site for an urban extension to Warwick and Leamington. Of all of the potential urban extension sites, this is the closest to Warwick and Leamington Town Centres. It is also in close proximity to other facilities and employment opportunities within the towns. Therefore, it is considered that the need to provide new homes in a sustainable location overrides any concerns about the loss of productive agricultural land.

Health and Well-being

The proposals would provide a significant amount of housing as well as public open space, a doctor's surgery and a community hall. The proposals also safeguard land for a community stadium and education use. These would be significant benefits of the scheme that would contribute to health and well-being.

Provision of access to the adjacent housing site

The comments from Gallagher Estates and Mrs Moreton relate to a triangle of land alongside the eastern boundary of the site, fronting Europa Way. They have requested a condition to require access to be provided through the application site to serve residential development on their land. No application has yet been submitted in relation to their site, but it does form part of the H01 housing allocation in the Draft Local Plan. The key issue here is whether the condition is necessary to secure an appropriate comprehensive development in accordance with the Draft Local Plan.

The illustrative masterplan submitted with the current application shows that an access to this adjacent site can be incorporated into the proposed layout. However, the applicant considers that there is no justification for the imposition

of a condition to require them to provide this access. They consider that this is a matter that should be dealt with by a commercial agreement between adjacent landowners. The applicant also points out that no such restriction was imposed on Gallagher's proposed development at Lower Heathcote Farm, which had a similar relationship with the adjacent Severn Trent site (Ref. W14/0661).

The land in question does have a frontage to Europa Way and so a key consideration is whether or not the Highway Authority would object to a separate access from that road. The Highway Authority have advised that, whilst not the optimum solution in highway terms, they could not object to a new access onto Europa Way to serve the Gallagher / Moreton land. Therefore, all things considered, it has to be concluded that the condition requested by Gallaghers and Mrs Moreton is not justified, unless evidence is provided to demonstrate that an access cannot be achieved onto Europa Way. An update on this issue will be provided in the addendum report if necessary.

Other matters

Details of 10% renewable energy production or energy efficiency measures will be provided at reserved matters stage. A condition is recommended to deal with this issue.

A condition is recommended to require any reserved matters submissions to comply with the Council's Development Management Guidance on Market Housing Mix. This will ensure that the mix of market housing provided on the site will meet the market housing needs of the District as identified in the Strategic Housing Market Assessment.

The Council's CCTV Manager has requested a contribution towards the costs of installing and running two CCTV cameras to cover the site. However, no such contribution has been paid in respect of any of the other nearby residential development sites. There is no evidence to suggest that crime would be a particular issue on this site and therefore it is not considered that this contribution is justified under the CIL regulations.

It has been suggested that a pedestrian access should be provided between the site and Warwick Technology Park. This is not possible because it would require land in third party ownership.

The applicant has requested an 8 year time limit for the submission of reserved matters. This is to allow time for the submission of reserved matters following the expiry of the 5 year safeguarding period for the community stadium land, should that not be required for that purpose. This is considered to be reasonable and an extended time limit is recommended accordingly.

SUMMARY/CONCLUSION

This site is allocated for residential development in the Draft Local Plan. It will make an important contribution to meeting and maintaining the Council's five year supply of housing land over the Plan period.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and

environmental. The development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Business would also benefit economically through the provision of highway network improvements. Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs, the provision of open space, the provision of a doctor's surgery, the provision of a community hall and improvements to shared infrastructure, including the provision of land for education use and a community stadium. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, provision of open spaces, sustainable drainage measures and improved footpath/cycle way links. The site is in a sustainable location adjacent to the urban area and will be integrated into the existing settlement by sustainable transport links. It is therefore concluded that the development represents sustainable development by satisfying the three dimensions identified in the NPPF.

It has been concluded that any issues of concern that have been raised can be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities and / or the provision of new infrastructure by way of financial contributions. The development would have an adverse impact on the surrounding landscape in terms of loss of openness and harm to rural character. However these impacts need to be balanced against the wider benefits of the development listed above.

Drawing these matters together, it is not considered that the adverse impacts on the landscape and rural area outweigh the benefits of the development. In addition, this scheme is of particular importance for the wider area because it provides land to for facilities to serve the whole Southern Development Area, including land for education, a doctor's surgery and a community hall. It is therefore concluded that planning permission should be granted.

CONDITIONS

- 1 This permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-
 - (a) layout
 - (b) scale
 - (c) appearance
 - (d) landscaping

REASON : To comply with Section 92 of the Town and Country Planning Act 1990 as amended.

- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than eight years from the date of this permission. **REASON:** To comply with Section 92 of the Town and

Country Planning Act 1990 (as amended).

- 3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 The development hereby permitted shall be carried out substantially in accordance with the details described in the Design and Access Statement and as shown on the building heights plan 32662-LEA149b, and specification contained therein, submitted on 20 June 2014 and 20 February 2015. For the avoidance of doubt, drawing nos. 32662-LEA146c & 32662-LEA146d (illustrative masterplans) have been considered as being for illustrative purposes only and therefore are not approved.
REASON: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011. The application is in outline with all matters (save access) reserved and the local planning authority wishes to ensure that those details that have not yet been submitted are appropriate for the locality in terms of visual and residential amenity and reflect the scale and nature of the development assessed in the submitted Environmental Statement.
- 5 The vehicular access from Europa Way shall be constructed in strict accordance with drawing no. 32662-LEA122b, submitted on 20 June 2014. The vehicular access from Gallows Hill shall be constructed in strict accordance with drawing no. 32662-LEA139, submitted on 20 June 2014. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011.
- 6 No reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Design Code for the approved development. This Design Code shall be in accordance with the principles and parameters as set out within the Design and Access Statement and plans referred to in condition 4 above and the Council's guidance entitled "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012" (and any subsequent revision and/or approved plans/strategy available at the time).

The Design Code shall include the following matters:

- a hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas);
- development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);

- building types;
- building heights;
- the means to accommodate the parking of vehicles and cycles;
- sustainable Urban Drainage features;
- key spaces, open spaces and green features;
- architectural language and detailing;
- design principles for street tree planting and other structural landscaped areas;
- design principles for hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long term management;
- design principles for waste disposal and recycling;
- design principles for the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures;
- design principles for street lighting and any other lighting to public space (including parking areas);
- a regulating plan on an ordnance survey base at a scale no greater than 1:1250; and
- a mechanism for periodic review and refinement if necessary of the approved Design Code.

All reserved matters applications shall accord with the approved Design Code.

REASON: In the interests of good urban design and a comprehensively planned development in accordance with the NPPF, Policies DP1, DP14 & DP15 of the Warwick District Local Plan 1996-2011 and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029 (Publication Draft 2014).

- 7 No reserved matters application shall be submitted until a Site-wide Masterplan has been submitted to and approved in writing by the local planning authority. The Site-wide Masterplan shall be in accordance with all of the following:

- the approved Design & Access Statement and building heights plan referred to in condition 4;
- the principles set out in the Council's guidance entitled "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012" (or any subsequent revision and/or approved plans/strategy available at the time); and
- the Site-wide Design Code to be approved under condition 6.

The Site-wide Master Plan shall include the following:

- illustrative details of how the proposed layout of development has been designed with due regard to the surrounding urban and rural context;
- landform topography as existing and proposed;
- a land use plan and character areas (including densities and building heights);
- movement corridors within the site (including principal roads, public

transport corridors, footpaths, cycleways and green corridors) including a demonstration of how these relate to existing movement networks in the wider area;

- location of any areas for off-street car parking courts;
- key infrastructure (including SUDs, significant utility provision, schools, district/local centres);
- landscape corridors and open space networks;
- public open space;
- housing mix including tenure and size of dwelling;
- location of affordable housing;
- street tree planting and other structural landscape areas;
- hard and soft landscaping treatments;
- street lighting arrangements and any other lighting to public space;
- a phasing plan including triggers for delivery of key elements of supporting infrastructure; and
- a statement explaining how the development proposals accord with the principles set out in the Site-wide Design Code.

REASON: In the interests of good urban design and a comprehensively planned development in accordance with the NPPF, Policies DP1, DP14 & DP15 of the Warwick District Local Plan 1996-2011 and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029 (Publication Draft 2014).

- 8 No development shall commence until a construction phasing plan has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the phases established in this approved phasing plan.

REASON: To ensure the proper phasing of the development.

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

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

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.

REASON: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3

of the Warwick District Local Plan 1996-2011.

- 10 No development shall take place until a Protected Species Contingency Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include a detailed badger strategy (including mitigation, compensation and monitoring as deemed appropriate) by a suitably qualified badger consultant. The Protected Species Contingency Plan shall include timescales for the works and proposals for on-going monitoring. The approved Protected Species Contingency Plan shall be implemented in strict accordance with the approved details and timescales. **REASON :** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan.
- 11 The development hereby permitted (including demolition) shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the local planning authority expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy DAP3 of the Warwick District Local Plan.
- 12 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The plan must include details of planting and maintenance of all new planting. Details of species used and sourcing of plants must be included. The plan must also include details of habitat enhancement/creation measures and management, such as ponds, wildflower grasslands and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To meet the requirements of the NPPF in terms of biodiversity impact.
- 13 No phase of development shall take place under any reserved matters consent until a scheme showing how either a). at least 10% of the predicted energy requirement of the development within that phase 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 within that phase and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. No dwelling within that phase shall be occupied until all the works within the approved scheme in relation to that dwelling have been

completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 14 No phase of development shall commence under any reserved matters consent until a scheme for that phase has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **REASON:** To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan.
- 15 No phase of development shall commence on any reserved matters consent until a Tree Retention and Removal Plan identifying existing trees, shrubs and hedgerows to be retained has been submitted to and approved in writing by the local planning authority. The existing trees, shrubs and hedgerows shown to be retained on this plan shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedgerows removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with trees, shrubs or hedgerows of such size and species details of which must be submitted to and approved by the local planning authority. All trees, shrubs and hedgerows shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 16 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the local planning authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** In order to protect and preserve existing trees

within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

17 The development hereby permitted shall not 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 must 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; and
 - the development of a method statement detailing the remediation requirements.
 - (b) The site investigation has been undertaken in accordance with details approved by the local 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 local planning authority. The method statement shall include details of how the remediation works will be validated upon completion and shall 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 an addendum to the method statement, detailing how the unsuspected contamination shall be dealt with, has been submitted to and approved in writing by the local planning authority). 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 DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011.

- 18 No phase of development shall commence under any reserved matters consent until a scheme for that phase detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 19 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which shall have been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: a construction phasing plan; the anticipated movements of vehicles; the routing of delivery vehicles; the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; measures to limit noise and disturbance; 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 DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.
- 20 No phase of development shall commence under any reserved matters consent 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 DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.
- 21 No phase of development shall commence under any reserved matters consent until a scheme for that phase 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 fire safety.

- 22 Prior to the submission of any Reserved Matters applications for any phase of development:
- (a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work across this site shall be submitted to and approved in writing by the local planning authority;
 - (b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken;
 - (c) a report detailing the results of this fieldwork shall be submitted to and approved in writing by the local planning authority; and
 - (d) an Archaeological Mitigation Strategy document shall be 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. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation.

No development shall take place until all fieldwork detailed in the approved Archaeological Mitigation Strategy has been completed in strict accordance with the approved details. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Archaeological Mitigation Strategy.

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 DP4 of the Warwick District Local Plan 1996-2011.

- 23 The development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
- 24 No phase of development shall commence under any reserved matters consent until a scheme for that phase has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. The scheme shall include the following:
- proposals to limit post-development runoff volumes and peak flow rates to the Greenfield discharge rate for all rainfall return periods up to and including a 1 in 100 year plus 30% (for climate change)

- event;
- attenuation designed to accommodate a 1 in 100 year plus 30% (for climate change) event;
- further detail on the implementation of SUDS; and
- a demonstration that there will be no above ground flooding up to and including the 1 in 30 year rainfall event.

The approved drainage systems shall thereafter be installed in strict accordance with the approved details and timescales. The approved drainage systems shall be retained at all times thereafter and shall be managed and maintained in strict accordance with the approved details.

REASON: To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.

- 25 No development shall commence until details of a dedicated cycle path along the spine road to connect with the proposed cycle path along the spine road for the development to the north have been submitted to and approved in writing by the local planning authority. The dedicated cycle path shall thereafter be constructed with the spine road in strict accordance with the approved details. **REASON :** To ensure adequate provision for cycling, in accordance with Policies DP6 & SC4 of the Warwick District Local Plan.

- 26 Any landscaping (other than the planting of trees and shrubs) approved under condition 1, including boundary treatment, paving and footpaths, shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

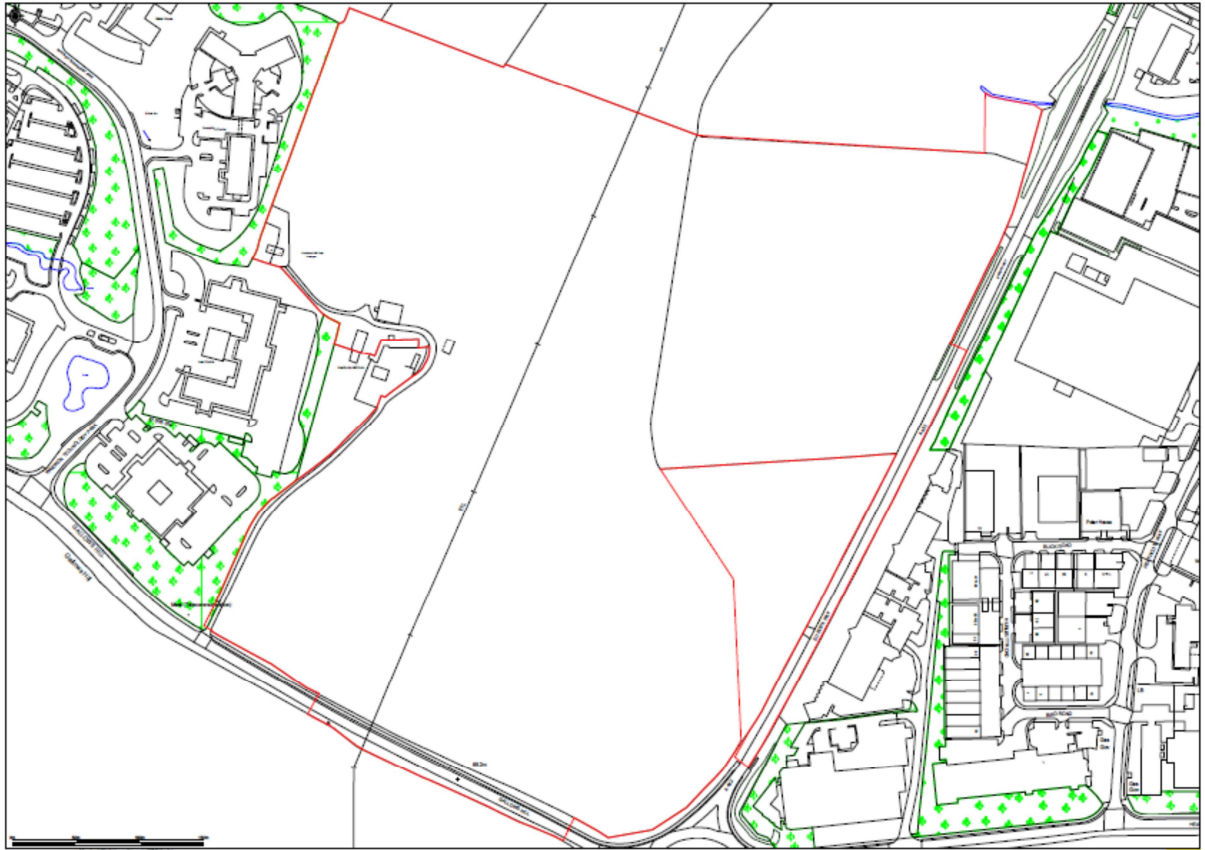
- 27 The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites". **REASON:** To ensure that the housing meets the needs of the District as required by Local Plan Policy SC1 and the NPPF.

- 28 The development hereby permitted shall only be carried out in accordance with the Flood Risk Assessment by AMEC dated May 2014 and submitted on 20 June 2014, and the proposed flood mitigation measures contained therein. **REASON :** To reduce flood risk, in accordance with the NPPF.
- 29 Within two years of the first occupation of any of the dwellings hereby permitted, design and construction details of the main spine road through the development (annotated as "3. Primary Road" on drawing no. 32662-LEA147e), together with a safeguarded access into Myton School, shall be submitted to and approved in writing by the local planning authority. Within five years of the first occupation of any of the dwellings or prior to occupation of 65% of the dwellings, whichever is the sooner, the spine road shall be completed in strict accordance with the approved details to provide a continuous unrestricted vehicular, cycle and pedestrian link from the site's principal access off Gallows Hill to the site's northern boundary. **REASON:** To ensure that a continuous unrestricted vehicular, cycle and pedestrian link is provided from the site access on Gallows Hill to link up with any spine road to be constructed on the adjacent site to the north (identified as "Land between Myton Road and Europa Way" on planning permission no. W14/1076). This is necessary in the interests of good urban design and a comprehensively planned development, in accordance with the NPPF, Policy DP1 of the Warwick District Local Plan 1996-2011 and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029 (Publication Draft 2014).

- 30 No dwelling hereby permitted shall be occupied unless and until:
- (a) a scheme for rainwater harvesting has been submitted to and approved in writing by the local planning authority; and
- (b) all parts of the scheme approved under (a) have been implemented in strict accordance with the approved plans for that particular dwelling.

The rainwater harvesting scheme shall be retained and maintained in strict accordance with the approved details at all times thereafter.

REASON : To ensure that the development is designed to be resilient to, and adapt to the future impacts of, climate change, in accordance with Draft Local Plan Policy CC1.







Planning Committee: 31 March 2015

Item Number: 8

Application No: W 15 / 0083

Town/Parish Council: Warwick
Case Officer: Jo Hogarth

01926 456534 jo.hogarth@warwickdc.gov.uk

Registration Date: 23/01/15

Expiry Date: 24/04/15

Car Park, Commainge Close, Warwick

Erection of 13no. dwellings (3no. houses and 10no. apartments) with associated parking and landscaping (resubmission following withdrawal of application ref: W/14/0281). FOR Waterloo Housing Group

This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received and due to the land being within the ownership of Warwick District Council.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal seeks to construct a total of 13 dwellings comprising 3 houses and 10 apartments with associated parking and landscaping. The mix of house types would be made up by 4no. 1 bed apartments, 6no. 2 bed apartments and 3no. 3 bed houses. The apartments would be three storey while the dwellings would be two storey.

THE SITE AND ITS LOCATION

The application site relates to a surface car park accessed off Commainge Close to the west of Theatre Street, outside of the Warwick Conservation Area and comprises of 92 spaces. The car park is situated within Warwick Town Centre and Commainge Close itself also provides access to residential properties in Oaken Court and Taylor Court. From within the car park there are pedestrian links to Sainsbury's superstore to the west and through to Cocksparrow Street to the south.

PLANNING HISTORY

In 2014 (ref: W/14/0281) an application was submitted for the same development but withdrawn to allow further negotiations to be undertaken with the Local Planning Authority.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- GD.7 - Previously-Developed Sites (Warwickshire Structure Plan 1996-2011).
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- Guidance Documents
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Object on grounds that the loss of 41 spaces in West Rock car park will impact adversely on the viability and vitality of the Town Centre and the use of Linen Street car park is not realistic given the allocation of 50 spaces for the redevelopment of the Print Works and the opening hours do not accord with West Rock.

Warwick Society: Object on grounds that the outdoor space for the apartments is too small, the walking route which zig-zags through the site fails to enhance the connection between the supermarket and the town centre and the loss of parking conflicts with Chapter 7 of the Local Plan.

WDC Housing Strategy: Support the proposal for affordable housing. The Coventry & Warwickshire Joint Strategic Housing Market Assessment (SHMA) published in 2013 demonstrates a need for 268 new affordable homes per year in the District and this proposal will contribute towards meeting this target.

WDC Contract Services: No objection, subject to conditions relating to a collection point.

WDC Tree Officer: Recommends making a Tree Preservation Order for trees along the southern boundary.

Warwickshire Police: No objection. Recommend the dwellings are built to a minimum standard of Secure by Design.

WCC Ecology: No objection. Recommend conditions relating to tree protection, provision of bird boxes and any fruit trees removed to be replaced. Recommend notes on nesting birds and the use of native planting.

WCC Highways: (Comments on original plans) - object as further information is requested in relation to pedestrian links between Commainge Close, Cocksparrow Street and Sainsbury's car park and in relation to whether there is sufficient capacity in alternative car parks. The additional information requested has subsequently been submitted. The further comments of the Highway Authority are awaited and will be provided to Members in the additional observations document prior to the meeting.

Public Response: 47 objections have been received raising concerns regarding the loss of car parking within the town centre; the additional volume of traffic within the town centre would be exacerbated; the loss of 41 spaces will impact on the economy of the town and drive customers away; the transfer of permits to Linen Street is unacceptable as the spaces are too small with less lighting and it has restricted opening times; little consideration has been given to the existing residents of the town.

ASSESSMENT

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

- Principle of development and loss of parking
- Affordable housing
- Impact on neighbours
- Highways and parking
- Design and impact on the street scene
- Energy efficiency/CO₂
- Trees and landscaping
- Public open space
- Health and Wellbeing

The Principle of Development and loss of parking

Policy UAP1 of the Warwick District Local Plan 1996-2011 states that residential development will be permitted on previously developed land and buildings within

the confines of the urban areas. The redevelopment of the established car park in Warwick to provide new dwellings is therefore considered to be acceptable in principle.

The proposed development would result in the loss of 41 parking spaces leaving 51 spaces on the remaining area of the car park to the north. Parking surveys undertaken by the Council's Neighbourhood Services Directorate on three separate occasions have shown that the loss of 41 car parking spaces at West Rock can be more than accommodated through capacity at other town centre car parks. Indeed the most comprehensive of surveys undertaken in 2011 as part of the Warwick Town Centre Plan – Preferred Options demonstrated that there is ample parking available.

The two further surveys carried out in 2014 confirmed the 2011 position and specifically that there is sufficient capacity available at Linen Street even after the allocation of 50 spaces for the print works development is taken into account. This car park is closer to the town centre, at the top of a steep incline (as opposed to West Rock which is at the bottom) and provides a secure environment. However, should drivers not wish to use Linen Street there is ample capacity at St Mary's Lands 3 & 4 less than 5 minutes' walk away.

The 217 bays at Linen Street (not counting the bays excluded from the general public) are not dissimilar to other town centre multi-storeys. While the bays are not as wide as West Rock, they are by no means inaccessible.

Linen Street currently closes at 8pm, although this is being reviewed. However, however, this is not considered to be an issue as by early evening the number of spaces being used at West Rock diminishes markedly. The surveys confirm this position.

While the objections on grounds of loss of parking are noted, in light of the evidence presented, it is considered that a refusal of planning permission on the basis of loss of parking could not be sustained.

Affordable housing

The proposed development provides a 100% affordable housing development of 13 units which would contribute towards the required number of affordable homes identified in the 2013 SHMA.

Impact on neighbours

There are 3 windows in the side elevation of the adjacent dwelling at 18 Oken Court that face across the application site. However, two of these windows serve landing areas which are not habitable rooms, while the third is a secondary window to a lounge. The main windows to that room are positioned in the rear elevation and unaffected by the proposed development. Furthermore, the nearest part of the development to No. 18 Oken Court is 2 storeys high and 5m away from the side elevation of that property which is considered acceptable as there are no proposed windows in the side elevation of Plot 1.

Number 16 Cocksparrow Street to the south, is a detached dwelling which is positioned at an angle to the site, set approximately 15 metres from the proposed development. It is not considered that the proposed apartment block would result in such unacceptable harm in terms of overlooking or loss of outlook that permission should be refused as it is considered that the criterion set out in Policy DP2 are satisfied.

Number 18 Cocksparrow Street is situated to the west of the application site and is at a lower level as the road slopes downwards. The windows proposed in the side elevation are to be obscure glazed with fixed openings to reduce any perceived overlooking. Whilst the new apartment block would be at a higher level than this property it is not considered to have a material adverse impact on the occupiers' enjoyment of their property such that it would conflict with Policy DP2 in the Local Plan.

Highways and parking

The application has been amended in order to address concerns raised by the Highway Authority in relation to pedestrian permeability between Commainge Close, Cocksparrow Street and Sainsbury's car park. No alterations are proposed to the pedestrian links and the existing boundary treatment along the west elevation, which is marked by a brick wall, is to be retained. In respect to the gradient of the connecting access ramp leading from Commainge Close into the development, it is considered that construction details of this could be conditioned. The northern boundary of the site and the remainder of West Rock Car Park is to be defined by a low wall and railings which will allow visibility through the site. This is considered to be acceptable.

In accordance with the Council's Vehicle Parking Standards SPD, the proposed housing mix which comprises one, two and three bedroom units would require the provision of 19 off street car parking spaces. The application makes provision for 18 spaces, leaving a shortfall of one space. Given that the site is located within the town centre, within walking distance of amenities and services, it is considered that this shortfall is acceptable and would not result in unacceptable harm in terms of amenity or highway safety. Facilities for the storage of 10 bicycles accessed to the side of the apartment block are shown on the proposed plans. The proposal is therefore considered to comply with Policy DP8 of the Local Plan.

Design and impact on the street scene

The design of the apartment block would incorporate a mix of hipped and gabled roofs which would be in keeping with the surrounding properties in Oken Court. It is proposed to use brick and render which is also a feature of nearby buildings and would help to visually break up the appearance of the front, rear and side (west) elevations. It is considered that the impact on the street scene would be acceptable.

The proposed terrace of three dwellings would have gable roofs and would sit comfortably within the street scene as it would follow the incline down from Theatre Street and properties in Oken Court. Overall, it is considered that the

development would meet the objectives contained in Policy DP1 in the Local Plan.

Energy efficiency/CO₂

As part of the submission, the applicant has indicated that a scheme will be implemented to ensure compliance with the Council's requirement to provide reduced energy consumption. This would be achieved through energy efficient building techniques, together with solar thermal panels. This can be secured by condition.

Trees and landscaping

The proposal requires the removal of a birch tree to the east of the site, situated close to the boundary with number 18 Oken Court. Whilst it is considered that this tree provides a contribution to the visual amenities of the area, in light of the benefits from securing much needed affordable housing, it is considered that these benefits outweigh the loss of this tree. Much of the landscaping and trees along the southern boundary are to be retained, and in accordance with advice from the Council's Tree Officer, it is recommended that a Tree Preservation Order be placed on these to secure their longevity. Whilst a Tree Preservation Order has not yet been secured, as the site is owned by the Council this can be actioned should approval be granted for the scheme. It is considered appropriate to attach notes on nesting birds.

Public Open Space

No public open space is proposed on site. As the proposal is for 13 residential units, in accordance with guidance contained in the NPPG contributions can be sought for enhancement to public open space in accordance with the Council's adopted and published Supplementary Planning Document on Public Open Space. This can be secured by an appropriately worded condition.

Bin storage

Provision has been made for the storage of bins within the footprint of the apartment block together with recycling facilities. The dwellings would each have their own wheelie bins which would be positioned within a designated area to the north of plot 1. There would be a screen along the east boundary. A collection point is to be agreed with the Council's Contract Services and it is considered acceptable to condition details of the location.

Health and Wellbeing

With regard to health and wellbeing, it is considered that the scheme which is for 100% affordable housing would provide a benefit in terms of enabling those in housing need an opportunity to live in an attractive and sustainable area within Warwick.

SUMMARY/CONCLUSION

It is considered that the proposal to provide 13no. affordable units would result in wider benefits to the community without unacceptably impacting upon amenity or the visual appearance of the area. It is considered therefore that the proposal complies with the policies listed.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing numbers C1870/006; C1870/007; C1870/008; C1870/021 Rev A; C1870/022 Rev A; C1870/025 Rev B; 14050-D50 submitted on 23 January 2015, drawing numbers C1870/024 Rev B; C1870/020 Rev C submitted on 20 February 2015 and drawing number C1870/010 Rev F and specification contained therein, submitted on 12 March 2015. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall not begin until a scheme detailing the affordable housing provisions has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
 - (a) the tenure split;
 - (b) the arrangements for the management of the affordable housing;
 - (c) the arrangements to ensure that such provision is affordable for both first and all subsequent occupiers of the affordable housing; and
 - (d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

REASON: To meet the requirements of Policy SC11 of the Warwick District Local Plan 1996-2011.

- 4 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. **REASON:** To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and

to minimise the risk of pollution.

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

- 6 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

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

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

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

- 7 No part of the development hereby permitted shall be commenced until a scheme for the provision of suitable bird nesting boxes has been submitted to and approved in writing by the local planning authority. The scheme shall include details of box type, location and timing of works. The bird boxes shall be installed in strict accordance with the approved details and shall be retained at all times thereafter.

REASON: To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

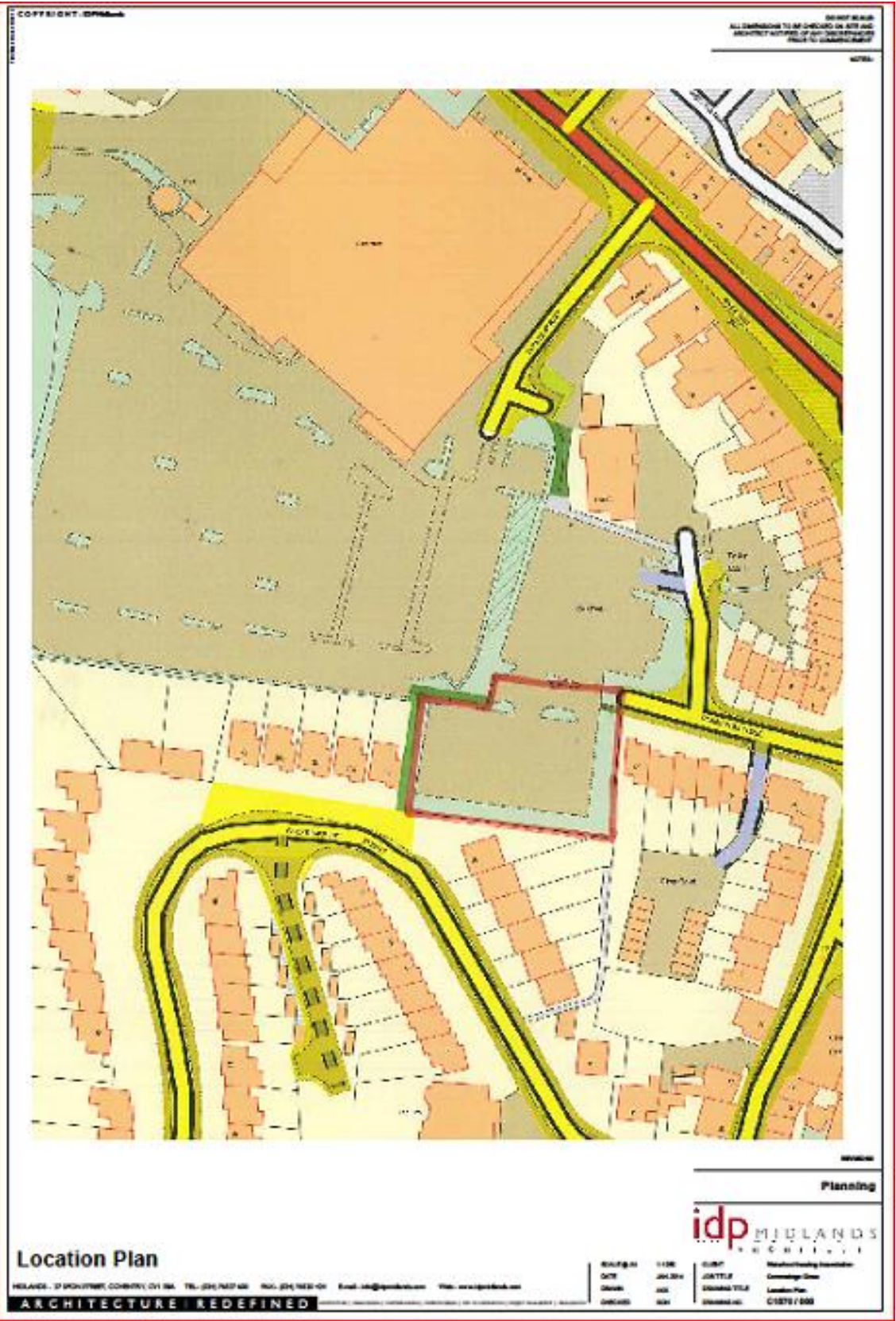
- 8 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) to all retained tree(s) on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree(s); no equipment, machinery or structure shall be attached to or supported by any retained tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that

seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.


- 9 The development hereby permitted shall commence until a section through the new access road showing the gradient as it meets Commainge Close has been submitted to and approved in writing by the local planning authority. **REASON:** To ensure adequate access arrangements are secured and to satisfy the requirements of the Highways Authority and Policy DP6 in the Warwick District Local Plan 1996-2011.
- 10 The development hereby permitted shall not commence until details of a refuse collection point have been submitted and approved in writing by the local planning authority. The development shall be implemented in full accordance with the approved scheme. **REASON:** To satisfy the requirements of refuse collection services in accordance with Policy DP1 in the Warwick District Local Plan 1996-2011.
- 11 The development hereby permitted shall not be first occupied unless and until the energy efficiency / renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter 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 DP13 in the Warwick District Local Plan 1996-2011.
- 12 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been marked out and made available for use. Thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.
- 13 The cycle parking provision shown on the approved plans shall be completed before any part of the development hereby permitted is first occupied and thereafter shall be kept free of obstruction and be available at all times for the parking of cycles associated with the development. **REASON:** To ensure that there are adequate cycle

parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.

- 14 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Hard surfacing shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 15 Prior to the occupation of the development hereby permitted, the windows in the west elevation of the apartment block 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 DP2 of the Warwick District Local Plan 1996-2011.

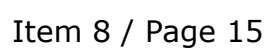






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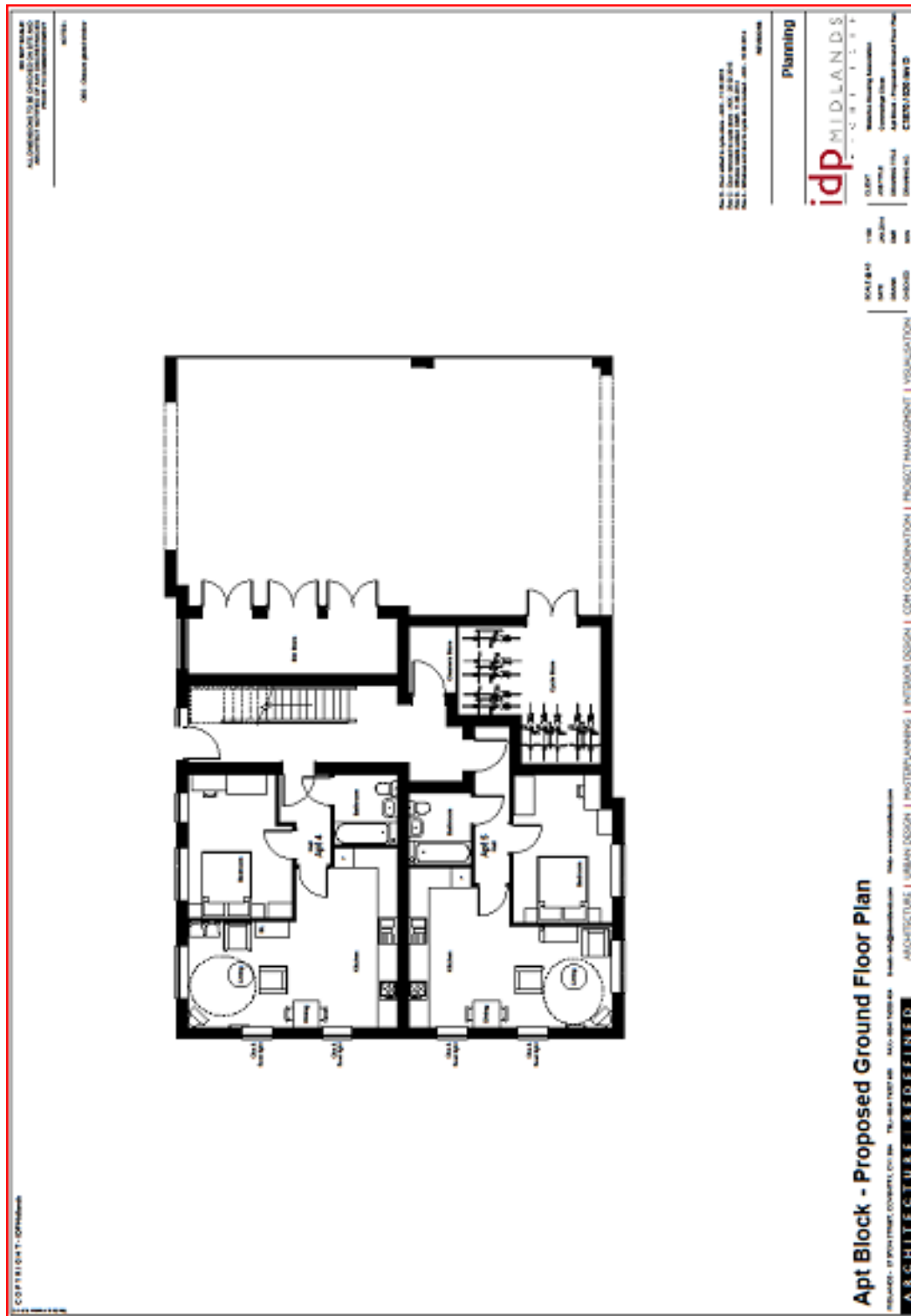
SOUTH FACING COCKSPARROW STREET SCENE

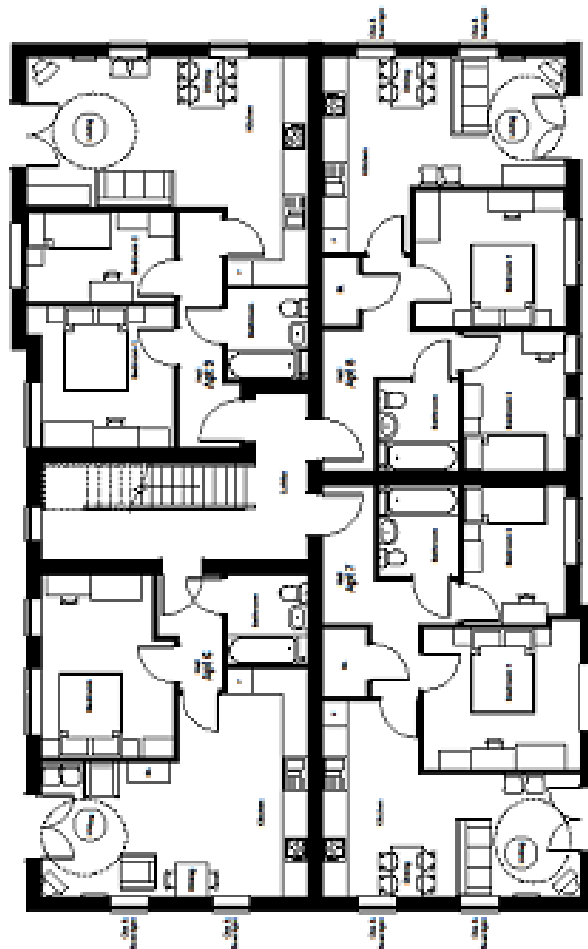


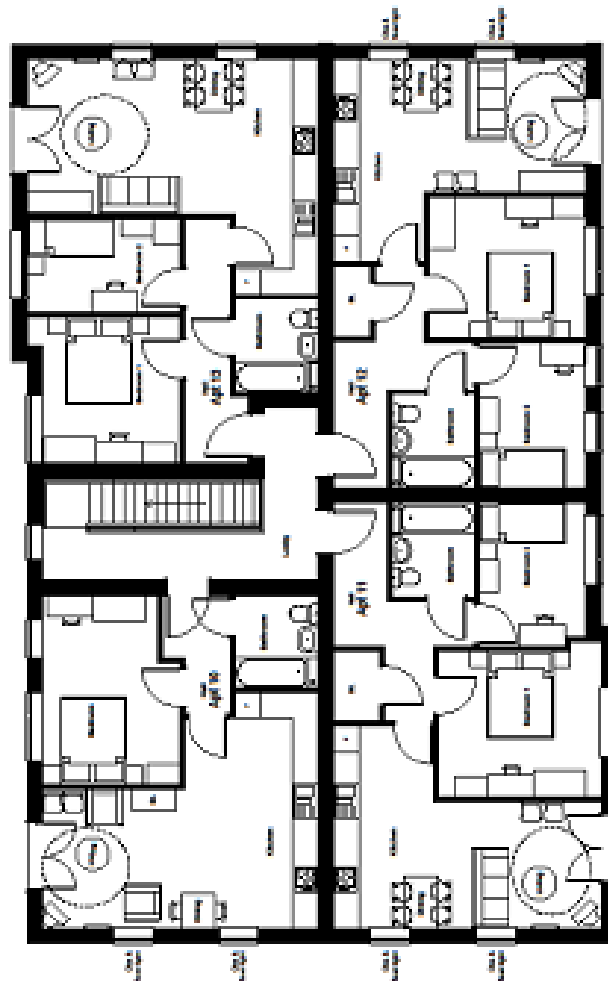
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ARCHITECTURE & DESIGN INTERIOR DESIGN PROJECT PLANNING CONSTRUCTION PROJECT MANAGEMENT VOLUNTARY

Apt Block - Proposed Second Floor Plan

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Planning Committee: 31 March 2015

Item Number: 9

Application No: W 14 / 1713

Town/Parish Council: Warwick

Case Officer: Rob Young

01926 456535 rob.young@warwickdc.gov.uk

Registration Date: 26/11/14

Expiry Date: 06/04/15

Homebase Ltd, Myton Road, Leamington Spa, CV31 3NY

Erection of side and front extensions; subdivision of building into two separate units; alterations to car park and service yard; and variation of condition 3 of planning permission no. W96/0461 to allow unrestricted Class A1 non-food retail use in 15% of the sales floorspace (condition 3 currently prohibits the sale of food or other convenience goods, clothing, shoes, sports goods, fashion accessories, jewellery and home furnishings other than beds and furniture). FOR
Intercounty Properties

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

The application proposes the erection of side and front extensions and the subdivision of the building into two separate units together with associated alterations to the car park and service yard. The application also proposes the variation of condition 3 of planning permission no. W96/0461 to allow unrestricted Class A1 non-food retail use in 15% of the sales floorspace. Condition 3 currently prohibits the sale of food or other convenience goods, clothing, shoes, sports goods, fashion accessories, jewellery and home furnishings other than beds and furniture.

The application has been amended to propose changes to the restriction of goods condition. Initially it had been proposed that a revised condition should permit the sale of home furnishings and sports goods and allow unrestricted A1 use in 25% of the floorspace. However, following the recent appeal dismissal (Ref. W13/0833) the applicant has amended the current application to reflect the restriction of goods condition that was agreed by the Council's retail consultant at the appeal (i.e. omitting home furnishings and sports goods and reducing the unrestricted A1 floorspace to 15%).

THE SITE AND ITS LOCATION

The application relates to the Homebase DIY store situated on the northern side of Myton Road. The site is situated within a mixed commercial and residential area, with dwellings adjoining the western boundary of the site and facing the site from the opposite side of Myton Road. A car dealership and further retail units are situated to the east of the site, while a vacant employment development site adjoins the rear boundary of the site. This is an out-of-centre location in retail policy terms.

The existing store is set back from Myton Road behind a customer car park. A vehicular access at the western end of the Myton Road frontage leads to this customer car park and a service yard at the side of the building. The store also has a garden centre adjoining the western elevation of the building.

PLANNING HISTORY

In 1992 planning permission was granted for "Erection of a warehouse for use as a DIY store with offices at first floor and a garden centre at the side and parking for 145 vehicles" (Ref. W91/1268).

In 1996 planning permission was refused for "Variation of condition 4 of pp. W911268 (Use restricted to DIY store) to allow A1 (non-food) retail sales" (W96/0056). The reason for refusal related to the harm that would be caused to Leamington Town Centre. A subsequent appeal was dismissed.

Later in 1996 planning permission was granted for "Variation of condition 4 of pp. W911268 (Use restricted to DIY store) to allow A1 (non-food) retail sales, excluding shoes and fashion items". This was subject to the following conditions in relation to retail sales: (2) No unit shall be created by sub-division that has less than 750sq.m. sales area in size; and (3) The development shall not be used for the sale of food or other convenience goods, the sale of clothing, shoes, sports goods, fashion accessories, jewellery and home furnishings other than beds and furniture.

In 2001 planning permission was refused for "Extension to and refurbishment of D.I.Y unit with ancillary office together with revised accesses to Myton Road and Princes Drive; provision of car parking area, servicing and landscaping (Ref. W00/0653). A subsequent appeal was dismissed on the grounds that the development was contrary to retail policy and would cause unacceptable harm to the living conditions of nearby residents.

In 2013 planning permission was refused for "Erection of side and front extensions; subdivision of building into two separate units; alterations to car park and service yard; and variation of condition 4 of planning permission no. W91/1268 to allow unrestricted Class A1 retail use (condition 4 currently restricts use of the premises to a DIY store only)" (Ref. W13/0833). An appeal against that refusal was dismissed in February 2015.

RELEVANT POLICIES

- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- UAP3 - Directing New Retail Development (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TC1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TC2 - Directing Retail Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR3 - Transport Improvements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Leamington Town Council: Object. The proposal does not meet the requirements TCP1 and TCP2 of the Local Plan to protect the viability and vitality of the town centre against out-of-town development.

Warwick Town Council: No objection.

Cllr Gill: No objection.

BID Leamington: Object on the grounds that the proposals are inconsistent with the Town Centre first policy approach. The sale of home furnishings, cooking, dining, furniture, lighting, flooring, textiles and electrical products would be in direct competition with over 60 businesses in the town centre. The town centres should be the focus of new retail development, in accordance with Local Plan Policies TCP1 and TCP2. The negative impact that out of town retail has had on town centres is well documented. Through BID Leamington local businesses have already invested over £2m in the town centre and have recently committed to a further 5 years of funding so they are very committed to ensuring the vitality of the town centre. The Council should consider the long-term impact of what might be easier to deliver out of town development over seeking appropriate investment in the town centre.

Leamington Chamber of Trade: Object on similar grounds to those referred to by BID Leamington above.

Lasalle Investment Management (Royal Priors Shopping Centre): Object on the grounds that the proposals would have a significant adverse impact on the town centre. There are a number of sequentially preferable sites within the town centre. Also raise concerns about trade diversion and the impact on planned investment in the town centre.

Homebase (current occupiers of application property): Homebase have no intention to close the store and will be seeking to renew their Lease. There is therefore no requirement to consider the future of this site. It is a purpose designed DIY store for which there remains demand. The existing DIY store complements the offer within Leamington Town Centre. The proposals are contrary to the sequential approach set out in the NPPF. The applicant's assessment of the impact on Leamington Town Centre is flawed. The proposals will result in a net loss of jobs compared with the existing employment in the Homebase store.

Inland Waterways Association: No objection.

WCC Highways: Object on the following grounds:

1. The proposed development could result in an increase in vehicle movements on the public highway in an area which is considered traffic sensitive.
2. The service yard is not considered suitable for the purpose intended and could result in HGV's manoeuvring away from the service yard, which would affect the performance of the vehicular access to the site.

3. The proposed pedestrian access to the site is not considered to be in a suitable location. Pedestrian movements could conflict with vehicle movements, and could affect the performance of the vehicular access to the site.

NB. WCC Highways raised no objection to the previous application (W13/0833) that was for a similar development.

WCC Ecology: Recommend notes regarding bats and nesting birds.

WDC Environmental Health: No objection, subject to conditions in relation to noise and contamination.

ASSESSMENT

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

- retail policy and the impact on the vitality and viability of town centres;
- impact on the living conditions of nearby dwellings;
- impact on the character and appearance of the area; and
- car parking and highway safety.

Retail policy and the impact on the vitality and viability of town centres

Whilst the proposals include an extension to provide new retail floorspace, the application also proposes that the existing mezzanine sales area and garden centre would be removed. As a result, the proposals would reduce the existing retail floorspace by 27%.

The application also proposes that the existing unit will be subdivided into two separate units. However, this subdivision would not require planning permission in itself. The only restriction on subdivision at present is condition 2 of planning permission no. W96/0461, which prohibits any subdivision that creates a unit with a sales area of less than 750 sq m. Both of the proposed units would be above this minimum limit. Therefore, the main issue to consider in terms of the impact on the vitality and viability of town centres is the proposal to vary the restriction of goods condition. This reflects the sole matter that was in dispute at the recent public inquiry concerning the previous refusal of planning permission.

In dismissing the appeal, the Inspector found that the variation of condition previously proposed by the applicant would cause unacceptable harm to the vitality and viability of the town centre. The Inspector's concerns related to applicant's proposals that the condition should be varied to permit the sale of home furnishings and sports goods and to allow 25% of the floorspace to be used for unrestricted A1 use. In response to that appeal decision, the applicant has amended the current application to reflect the restriction of goods condition that was agreed by the Council's retail consultant at the appeal. The revised condition now sought keeps the range of permitted goods the same as existing, but adds a degree of flexibility by permitted unrestricted sales in 15% of the floorspace.

The Council's retail consultant has advised that this revised condition would provide adequate protection for the town centre, as long as a further condition is

added to prohibit any further subdivision or amalgamation and to prohibit the installation of any mezzanine floor. This omits the provision for unrestricted sale of home furnishings and sports goods that was a cause for concern for the Inspector as well as reducing the amount of unrestricted A1 floorspace to a suitable level. Therefore, it is considered that these amended proposals would not harm the vitality and viability of the town centre. The amended proposals are therefore considered to be in accordance with the NPPF and Local Plan Policy UAP3.

Impact on the living conditions of nearby dwellings

The proposed extensions would be far enough away from neighbouring dwellings to ensure that the proposals would not cause any material loss of light or loss of outlook for those dwellings. In terms of noise, the proposed service yard would be on the same side of the building as the existing service yard. Consequently service vehicles will follow a similar route into the site alongside the boundary with neighbouring dwellings as at present. It is notable that the existing service yard includes materials stored on racking along the boundary with neighbouring dwellings. A Noise Impact Assessment has been submitted with the application and this concludes that the development will be acceptable in terms of noise. Environmental Health have accepted the findings of this Assessment, subject to a condition to require a scheme of works to ensure that noise levels do not cause detriment to the amenity of surrounding residential properties. Environmental Health have also recommended other conditions in relation to deliveries, noise levels and hours of construction work. Subject to these conditions, it is considered that the proposals would not cause unacceptable noise and disturbance for neighbouring dwellings.

Impact on the character and appearance of the area

The design and form of the proposed extensions would be in keeping with the appearance of the existing building and other nearby retail warehouses. The alterations to the car park would not result in a material reduction in the amount of landscaping on the site. Therefore it is considered that the proposals would have an acceptable impact on the character and appearance of the area.

Car parking and highway safety

The Highway Authority have objected to the current application. However, they raised no objection to the previous application for a similar scheme. In accordance with those previous highway comments, the District Council did not refuse the previous scheme on highway safety grounds (the reason for refusal was solely related to retail impact). Furthermore, in dismissing the appeal against the refusal of that previous scheme the Inspector did not raise any highway safety concerns. As a result, the District Council have no grounds for raising highway safety concerns now. Given the stance taken previously by the Highway Authority, the District Council and the Inspector in relation to that previous scheme, if planning permission was now to be refused on highway safety grounds that would leave the District Council open to an award of costs. Therefore, in accordance with the previous highway comments and the decision of the Inspector, the proposals are considered to be acceptable from a highway safety point of view.

Notwithstanding the above, the applicant has agreed to submit amended plans which should go some way to addressing the issues now raised by WCC Highways. A condition is recommended to secure these changes.

With regard to car parking, the Council's Parking Standards require 163 spaces for the amount of retail floorspace proposed. A total of 120 spaces are proposed (including 16 staff parking spaces). Whilst this would be less than the number of spaces specified in the parking standards, it would be more than the number of spaces available for the existing Homebase store. Therefore it is considered that the parking provision is appropriate.

Other matters

It is proposed to install air source heat pumps to meet 10% of the predicted energy requirements of the development. This would meet the requirements of Local Plan Policy DP13 and the associated SPD. No details have been submitted regarding the siting of the air source heat pumps and so a condition is recommended to require full details.

A condition is recommended to deal with the issue of contaminated land.

CONCLUSION / SUMMARY

The proposals would not harm the vitality and viability of the town centre and would have an acceptable impact on the living conditions of neighbouring dwellings. Furthermore, the proposals are acceptable in terms of car parking and highway safety and would have an acceptable impact on the character and appearance of the area. 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 drawings A07, A08, A09 & A10, and specification contained therein, submitted on 26 November 2014, except as required by Condition 3 below. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 Notwithstanding the parking, servicing and access layout shown on the approved plans, no development shall commence until a revised site layout plan has been submitted to and approved in writing by the local planning authority showing:
 - (a) a revised pedestrian access located away from the vehicular access;

and

(b) a revised service yard layout to include sufficient manoeuvring space for delivery vehicles.

The proposed development shall be carried out in strict accordance with this revised site layout plan.

REASON: In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.

- 4 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority.

REASON: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

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

- 6 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its 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. The development shall not be first occupied until all the works within the approved scheme have been completed

and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

- 7 No storage shall take place in the open on any part of the site.
REASON: To ensure that an adequate service and parking area is retained within the site in the interests of highway safety and to protect the character and appearance of the area, in accordance with Policies DP1 and DP8 of the Warwick District Local Plan 1996-2011.
- 8 No part of the development shall be occupied unless and until the car parking, cycle 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, cycle parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.
- 9 Noise arising from activities or any plant and equipment at these premises, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.
REASON: To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan.
- 10 No deliveries (incoming or leaving), or noisy external activities likely to cause nuisance to nearby dwellings, shall take place before 0730 hours or after 2130 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. **REASON:** To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan.
- 11 No development shall commence unless and until details of a scheme of works to ensure that environmental noise levels do not cause detriment to the amenity of occupiers in surrounding residential premises has been submitted to and approved in writing by the local planning authority. The development shall not be occupied unless and until the scheme has been implemented in strict accordance with the approved details. The noise mitigation measures shall remain in place at all times thereafter. Any submitted scheme should have specific consideration for noise arising from delivery activities and the use of the proposed service yard area. **REASON:** To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick

District Local Plan.

- 12 Best practicable means shall be employed at all times to control noise and dust on the site during the construction process. Construction work which is likely to give rise to noise nuisance shall only take place between 0730 hours and 1700 hours on Monday to Friday or between 0730 hours and 1300 hours on Saturdays and not at all on Sundays or Bank Holidays. Construction delivery vehicles shall not be permitted to arrive on site before 0800 hours or after 1630 hours on Mondays to Fridays or before 0800 hours or after 1300 hours on Saturdays. There shall be no construction deliveries on Sundays or Bank Holidays.

REASON: To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan.

- 13 The development hereby permitted shall not 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 must 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; and
- the development of a method statement detailing the remediation requirements.

(b) The site investigation has been undertaken in accordance with details approved by the local 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 local planning authority. The method statement shall include details of how the remediation works will be validated upon completion and shall be approved in writing by the local planning authority prior to the remediation being carried out on the site.

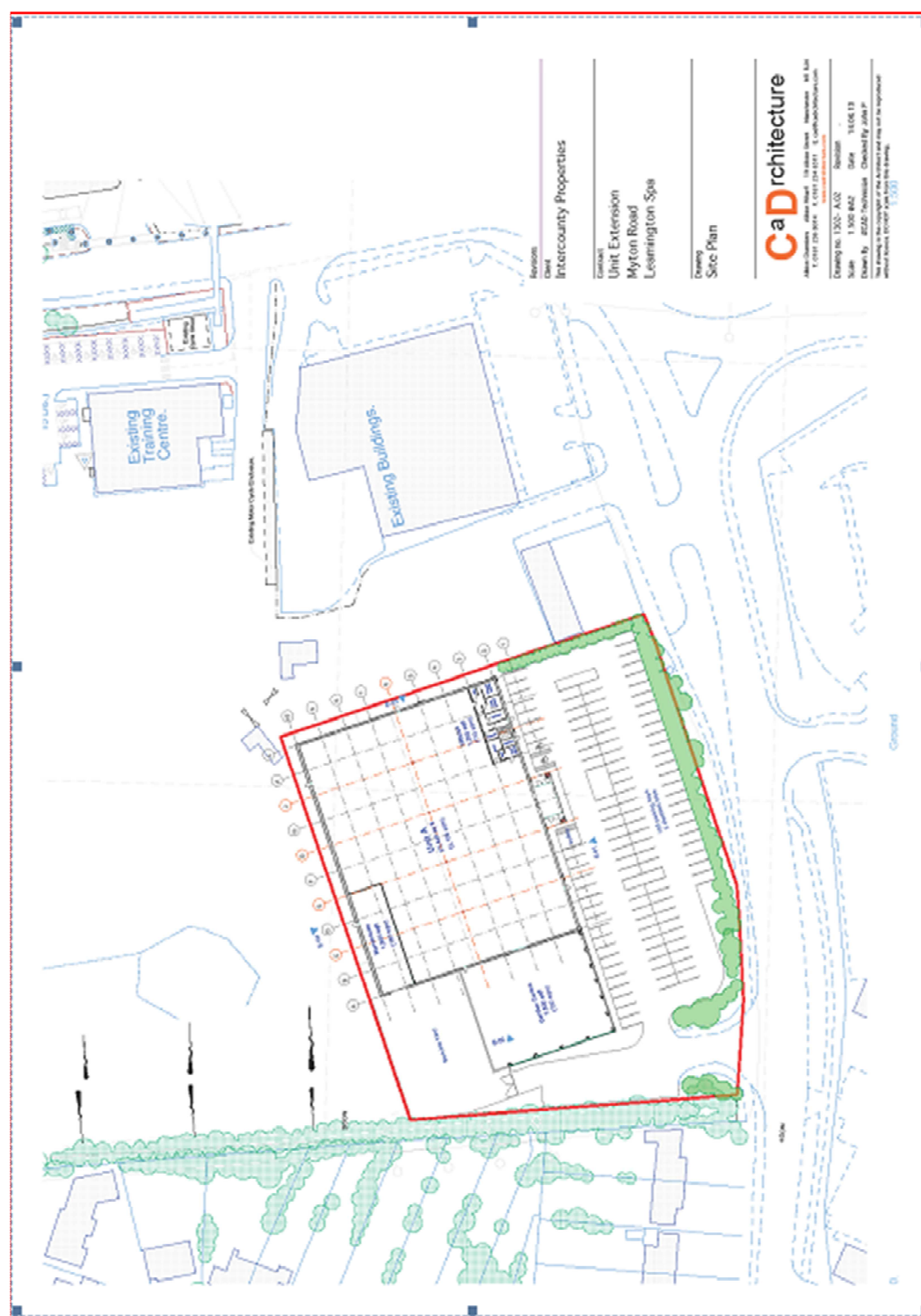
- (2) All development of the site shall accord with the approved method statement.
- (3) If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless an addendum to the method statement, detailing how the unsuspected contamination shall be dealt with, has been submitted to and approved in writing by the local

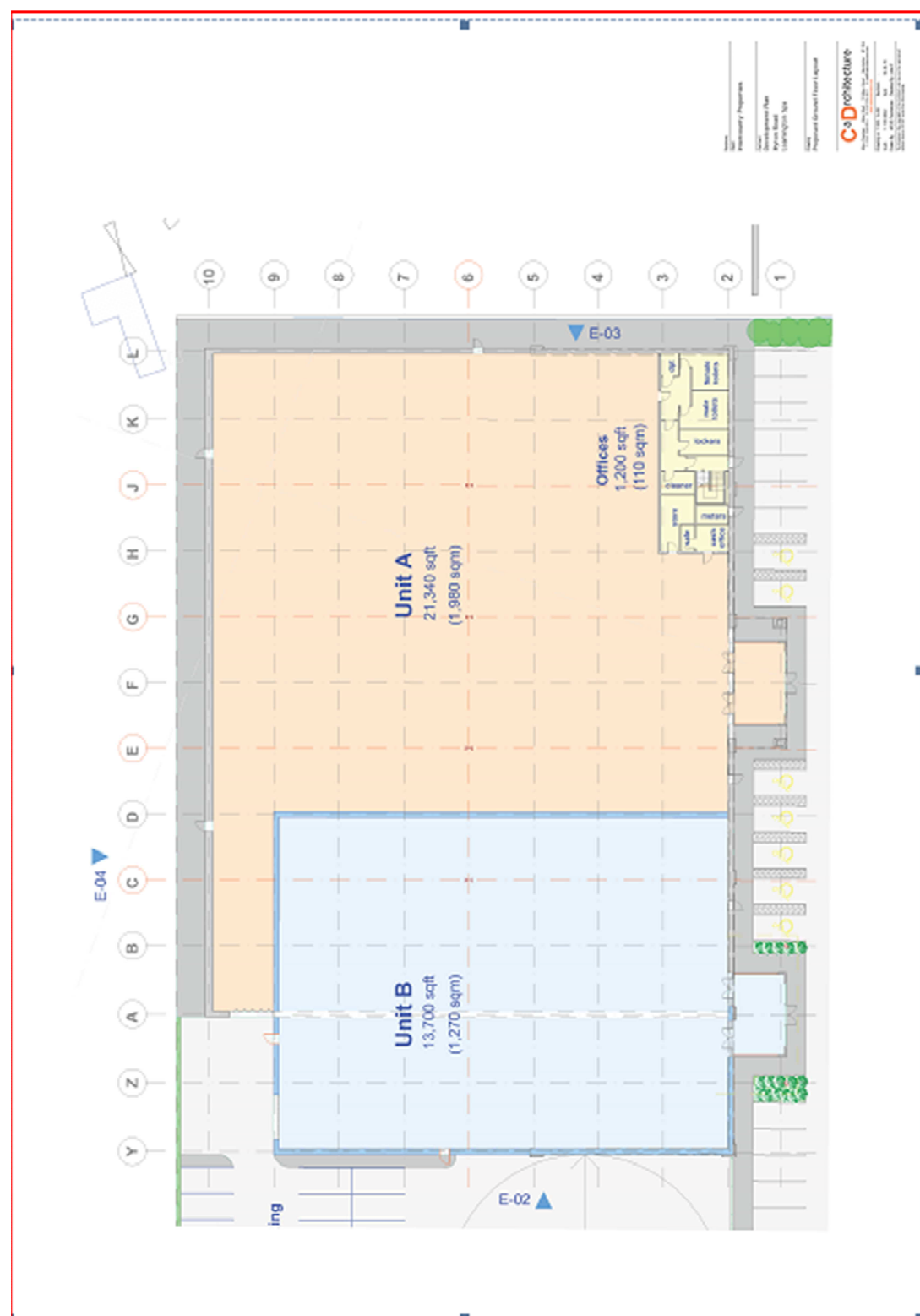
planning authority). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.

- (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.

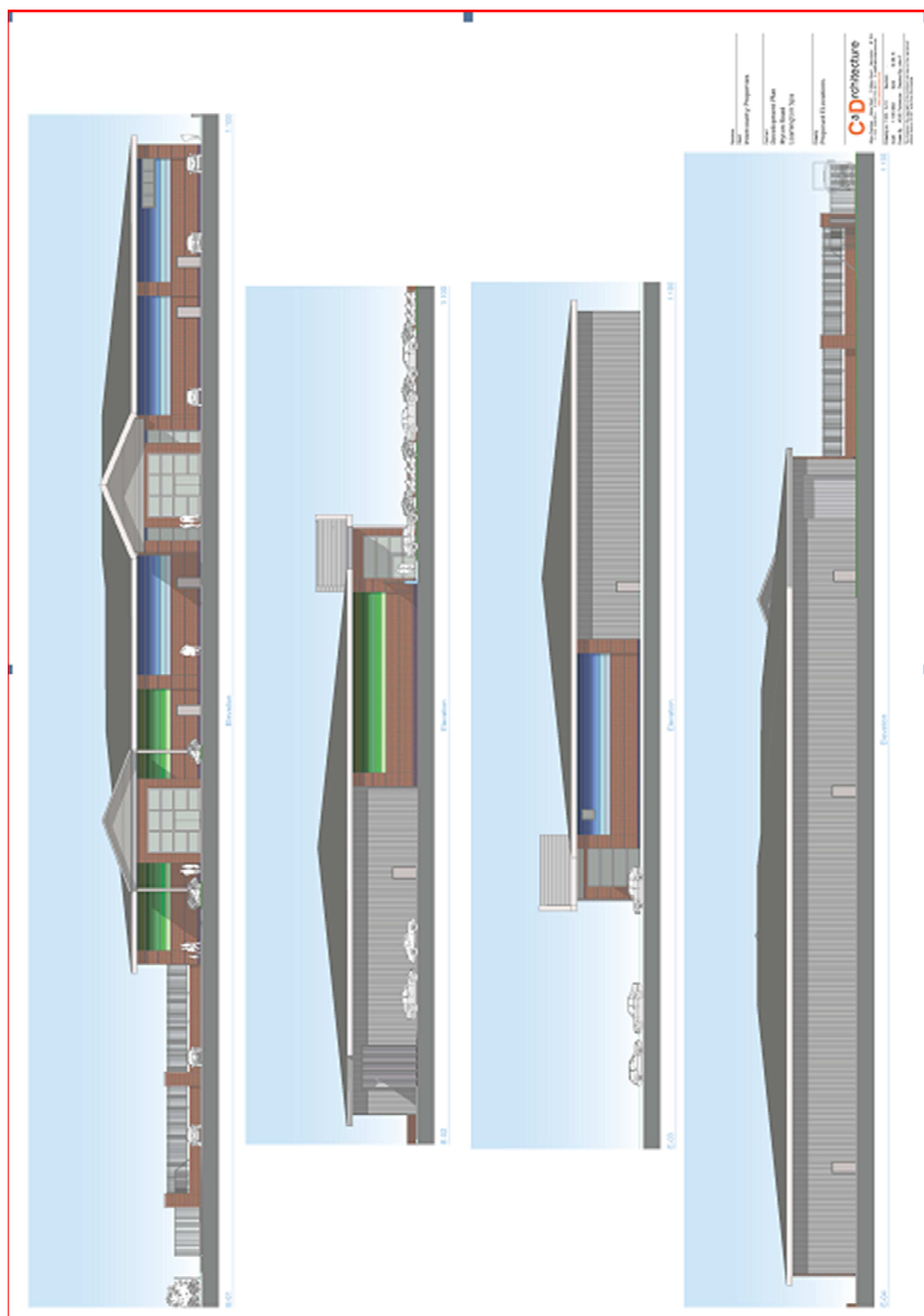
REASON: To safeguard health, safety and the environment in accordance with Policies DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011.

- 14 The premises hereby permitted shall not be used for the sale of food or other convenience goods. The sale of clothing, shoes, sports goods, fashion accessories, jewellery and home furnishings (other than beds and furniture) shall be allowed in no more than 15% of the permitted sales area of unit 1 (i.e. 15% of 1,584m² net) and 15% of the permitted sales area of unit 2 (i.e. 15% of 1,016m² net). **REASON:** To protect the vitality and viability of town centres, in accordance with Policy UAP3 of the Warwick District Local Plan.
- 15 The building shall be subdivided in strict accordance with drawing nos. A08 and A09 to provide two separate units with floor areas of 1,980 sq. m (Unit A) and 1,270 sq. m (Unit B). These two units shall not be further subdivided or amalgamated in any way. No further floorspace shall be created by the installation of any mezzanine floor. **REASON:** To protect the vitality and viability of town centres, in accordance with Policy UAP3 of the Warwick District Local Plan.









Planning Committee: 31 March 2015

Item Number: 10

Application No: W 15 / 0160

Town/Parish Council: Old Milverton
Case Officer: Emma Spandley

Registration Date: 03/02/15

Expiry Date: 31/03/15

01926 456533 emma.spandley@warwickdc.gov.uk

**Quarry Park Disc Golf, Old Milverton Lane, Old Milverton, Leamington
Spa, CV32 6RW**

Erection of a single storey clubhouse after demolition of existing buildings FOR
Quarry Park Disc Golf Course

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the removal of the existing dilapidated structures on the site and to replace them with a new single storey building to provide a new clubhouse. The new clubhouse will contain essential spaces for the disc golf course and consist of a caretaker's store, toilet and shower facilities, an area of seating also containing a vending machine for refreshments, a covered outdoor space for seating and a ticket office, to purchase tickets and the equipment to play disc golf.

The Design and Access Statement states:- The scale of the new building has been restricted to a single storey horizontal form with a dual pitched traditional roof form that mirrors both that of the existing structures on site and many traditional agricultural buildings.

THE SITE AND ITS LOCATION

The disc golf course is located within open countryside within the Green Belt off Old Milverton Lane. The Disc Golf club was established in 2006. To the North West, the site is bounded by the River Avon with a small tributary stream flowing through the southern portion of the site. The course is accessed from the south directly off Old Milverton Lane via an existing vehicle access, which leads to an existing gravel car park.

PLANNING HISTORY

W/03/1862 - Proposed change of use to Frisbee Disc Golf Course; construction of new vehicular access from Old Milverton Lane with construction of car park, granted 26th June 2004.

W/07/0726 - Display of non-illuminated free standing entrance sign, car park sign and fee sign attached to gate (retrospective) - granted 14th June 2007;

W/14/1700 - Demolition of existing buildings and erection of a single storey club house - withdrawn to allow further negotiations with the Local Planning Authority.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS19 - Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Old Milverton and Blackdown Joint Parish Council: Object, for the following reasons:

a. The entrance to the grounds is at a somewhat dangerous stretch of Old Milverton Lane and traffic figures would increase if a more sophisticated clubhouse were to be developed. It is understood from local residents that there have been several "near misses" as vehicles leave. In the event of the development being allowed, the number of users at one time should be restricted, and a Highways Authority report should be sought in view of the 50 mph speed limit at this point.

b. A clubhouse might be needed for team games, but since players of disc golf could usually be expected to attend in small groups or even single, it is not a game where visiting teams need facilities and entertaining. If this approach were to be developed the whole ethos of the site would be changed from what it is presently.

c. The proposed clubhouse would be too large in comparison with the site available for the game.

d. The introduction of a sales shop is unacceptable on these premises.

e. A toilet and hand washing facilities are acceptable, but other facilities are not. There is genuine concern about the treatment of discharge from the toilet and kitchen areas, since, not being attached to main drainage, pollution could reach the river, even by accident. This applies to other fairly-recently neighbouring facilities, too, and the prospect of so many discharges poses a real threat to the water quality of the River Avon near this point

f. The development of another "flagship sporting facility" in this area should be avoided.

An element of the application which the Parish Council approves is the replacement of the miscellaneous range of buildings and installations with a building of a tidier appearance.

WCC Ecology: After further information was submitted regarding the watercourse, ecology offer no objections subject to conditions centred around the supervision of works in case of bats.

WCC Highways: No objections

Environment Agency: No objection. The development site lies on the edge of indicative Flood Zone 2 of an unmodelled tributary of the River Avon. The proposals to demolish the existing structures and replace with a single building 3 sqm smaller than existing of a similar 'Less Vulnerable' use, as defined in 'Flood Risk and Flood Zone Tables', Table 1 Paragraph 066 of the Planning Practice Guidance, are not of sufficient risk or scale to warrant a full Flood Risk Assessment. An FRA would require a modelling exercise to be undertaken on the nearby tributary, which we feel would be disproportionate to the scale and nature of development. We recommend that the applicant considers raising finished floor levels 500mm off the ground and providing flood resilient techniques such as raised plug sockets.

Public Response: 1 letter of support has been received on grounds of expanding opportunities for the public to access sport and other physical activities.

Natural England: No objection.

ASSESSMENT

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

- Whether the proposal constitutes appropriate development in the Green Belt and if not, whether any very special circumstances exist to outweigh the harm by reason of inappropriateness;
- Design
- The impact on highway safety and parking;
- Other matters.

Green Belt

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. Paragraph 89 of the NPPF states the construction of new buildings in the Green Belt are inappropriate except in certain circumstances. One of the exceptions is for the provision of appropriate facilities for outdoor sport and outdoor recreation, as long as it preserves the openness of the Green Belt.

The proposed club house is considered to be an appropriate facility for the existing Disc Golf Course and replaces existing structures. It is therefore considered to constitute appropriate development under the aforementioned exception.

The Parish Council's objection is noted, however, it is considered that the proposed purpose of the clubhouse would be to provide appropriate facilities for outdoor sport and recreation.

The existing facilities on site include a portaloos; a shed and a metal container used for storage. The Parish Council states that the proposed facilities are too large in comparison with the site available for the game. The disc golf course is set in 15 acres of landscaped grounds. The proposed building is 24 metres by 5.5 metres giving a gross floor space of 132 square metres. However, only 58.85 square metres of the proposed building will be used as social and outdoor seating space. 23.65 square metres is to provide secure storage, 24.75 square metres for sanitation facilities and 24.20 square metres for the ticket office.

The ticket office proposed is also called a pro shop on the Quarry Park Disc Golf's website and the Parish Council have raised concerns regarding this. However, to enable people to play the game of disc golf, the discs have to be purchased and cannot be hired. Therefore the ticket office and shop is for the actual activity of playing the game on the site and not as a standalone retail unit.

Design

The proposed building has been designed to appear as an agricultural building which is set within the open countryside. The existing buildings on the site will be removed which are in a poor state of repair and have a negative impact on the Green Belt. The Parish Council has questioned about the comparison between the buildings on the site and the one proposed. The proposal is considered to preserve the openness of the Green Belt.

Taking all of the above into account, it is considered that the proposed club house building is appropriate facilities for the Disc Golf course and with the

removal of the existing buildings on the site it will lead to an enhancement to the open countryside and the Green belt.

Highway safety and parking

The comments of the Parish Council are noted with regards to the vehicular access, however, the number of participants which could use the Disc Golf Course is unrestricted. Furthermore, the Highway Authority have raised no objections to the proposal. The access to the site is existing and there will be no changes to the access.

Other Matters

The Parish Council's comments are noted regarding the discharge from the toilet. The application form indicates that foul sewage will be dealt with by way of a septic tank. However, the advice set out in the NPPG states that septic tanks are only considered acceptable if the applicant has demonstrated that discharging into a public sewer or a package sewage treatment plant is not feasible. It is considered that this matter can be adequately controlled by a suitably worded condition.

SUMMARY/CONCLUSION

The provision of appropriate facilities for outdoor sport and recreation is considered acceptable within the Green Belt as long as the building preserve the openness of the Green Belt. The provision of a club house, with sanitation facilities, storage, ticket office and refreshment areas are considered appropriate facilities within the Green Belt. The design of the proposed building resembles an agricultural building which will blend in within the open countryside and will also result in the removal of existing structures on the site. It is considered that the proposal accords with the NPPF and will not harm the openness of the Green Belt.

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 no. 1403/P05; 1403/P06; 1403/P07 Rev A & 1403/P08 Rev A, and specification contained therein, submitted on 3rd February 2015. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 3 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority.
REASON: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall not commence unless and until two weeks' notice in writing of the start of works has been given to a suitably qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the storage building identified as Building 1 in the Preliminary Ecological Appraisal produced by Focus Ecology Ltd. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England are consulted for advice and no further works shall be undertaken at the site unless and until full details of measures for bat migration and conservation have been submitted to and approved in writing by the local planning authority. The development shall then proceed in full accordance with the approved details and any required mitigation works shall be complete in full accordance with the approved details and shall not be removed or altered in any way without the prior written approval of the local planning authority. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall not commence until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
- (a) low energy LED lighting should be used in preference to high pressure sodium or mercury lamps;
 - (b) the brightness of lights should be as low as legally possible;
 - (c) lighting should be timed to provide some dark periods; and
 - (d) connections to areas important for foraging should contain unlit stretches.

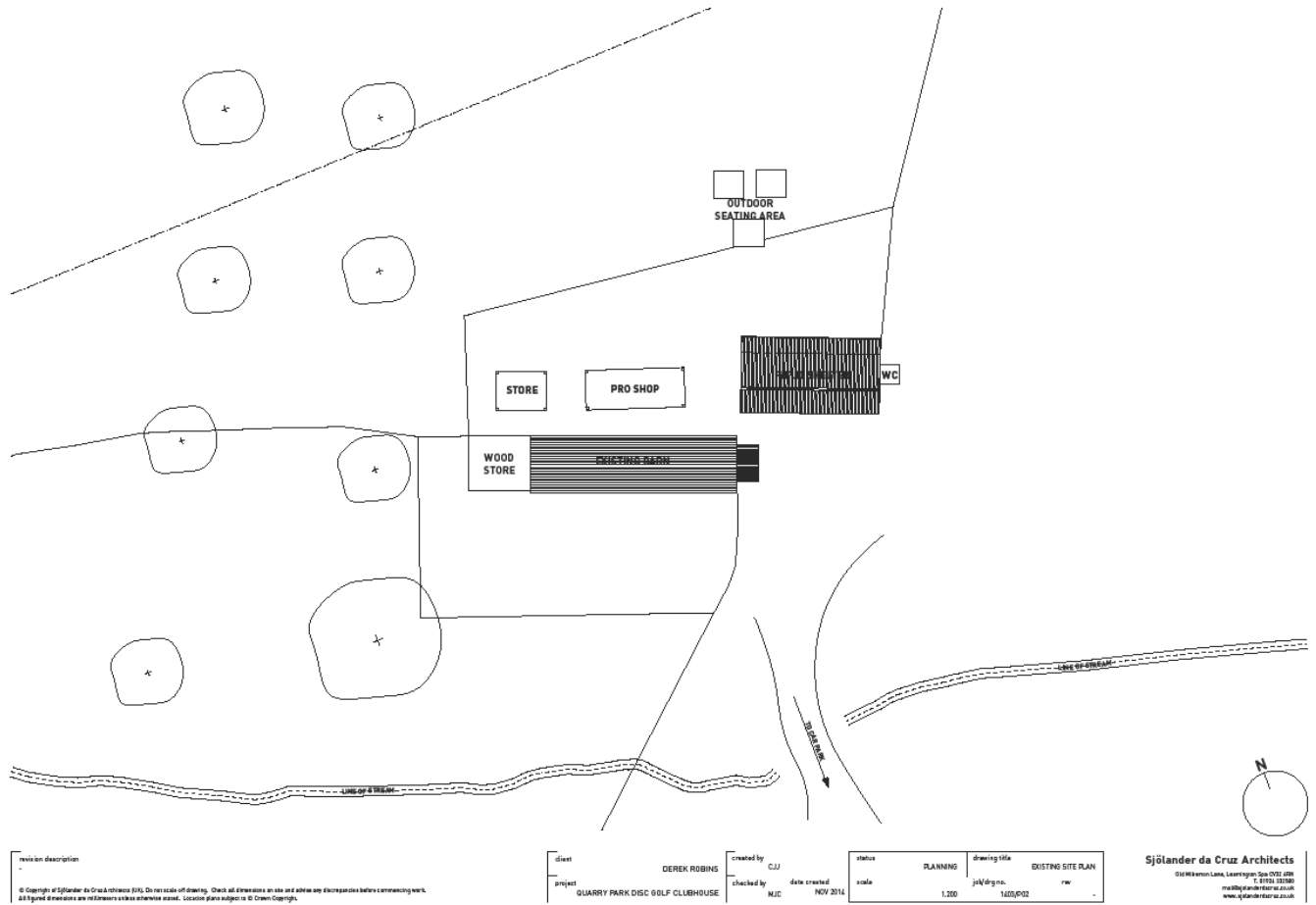
Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.

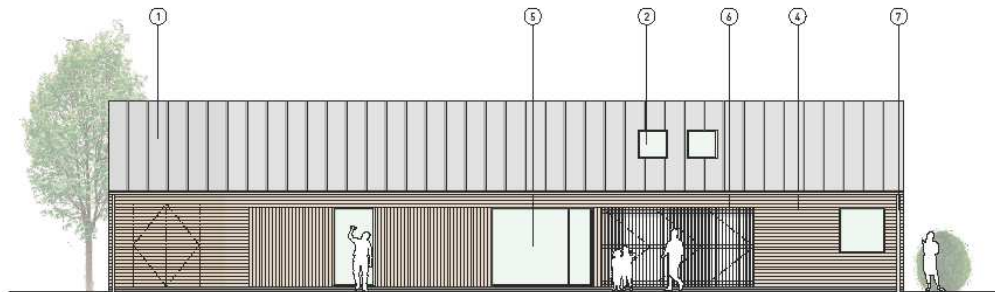
REASON: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011.

- 6 Before any development commences on site the following shall be submitted to and approved in writing by the local planning authority and any approved mitigation or protection measures shall be put into place prior to and remain in place during any construction work:
 - a] a detailed scaled plan (to a scale and level of accuracy appropriate to the proposal) showing the position of every tree on the site, and every tree on land adjacent to the site (including street trees) that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area etc) with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres.
 - b] a schedule of the trees surveyed as specified in paragraph 4.2.6 of British Standard BS5837 - 2012 Trees in Relation to Design, Demolition & Construction - Recommendations;
 - c] an arboricultural implications assessment, arboricultural method statement and tree protection plan (to include protection measures during and after construction and any construction exclusion zones) (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) which shall also include any proposal for pruning or other preventative works. **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

- 7 The development hereby permitted shall not commence until details of the means of foul sewage disposal have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details in perpetuity. Note: Septic tanks should only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer to be treated at a public sewage treatment works or a package sewage treatment plant is not feasible. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.

- 8 The building hereby permitted shall not be occupied until the existing structures on the application site have been removed in their entirety.
REASON: Planning permission is granted on the basis of the impact on the openness of the Green Belt taking into account the removal of the existing structures.
-





SOUTHERN ELEVATION



NORTHERN ELEVATION

KEY TO MATERIALS
 1. STEEL, RYZO COATED STANDING SEAM ROOF 2. RECTANGULAR ROOFLIGHTS ABOVE COVERED OUTDOOR AREA, 3. FLUE FOR INTERNAL LOG BURNER, 4. WESTERN RED CEDAR CLADDING
 5. ALUMINUM FRAMED DOUBLE GLAZED WINDOW SYSTEM, COLOUR TBC, 6. SLIDING/FOLDING SLATED WESTERN RED CEDAR SCREEN TO COVERED OUTDOOR AREA, 7. STEEL, GALVANIZED
 OUTTER AND DOWNPIPES.

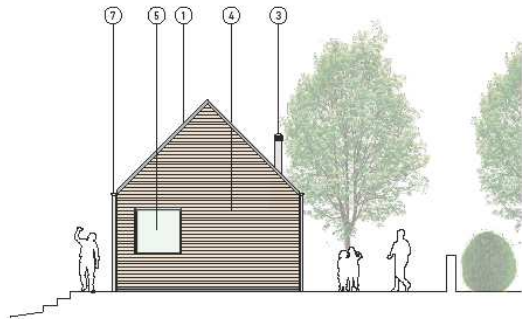
Revision description
 Revision A (06.01.15) Eaves height reduced to 2.5m and circular rooflights changed to rectangular units following discussions with Planning Officer.
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 All figured dimensions are reference unless otherwise stated. Location plans subject to © Crown Copyright.

client
 DEREK ROBBINS
 project
 QUARRY PARK DISC GOLF CLUBHOUSE

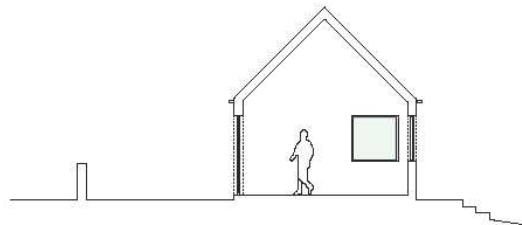
created by
 C.J.J.
 checked by
 N.J.C.
 date created
 NOV 2014

status	PLANNING	drawing title	PROPOSED N & S ELEVATIONS
scale	1:100	job/dwg no.	1405/007
		rev	A

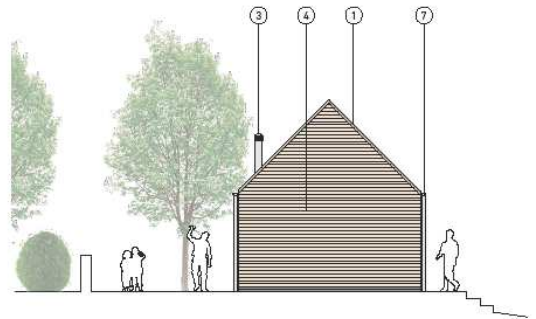
Sjölander da Cruz Architects
 01461 660000, Llanwrnog, Powys, Wales
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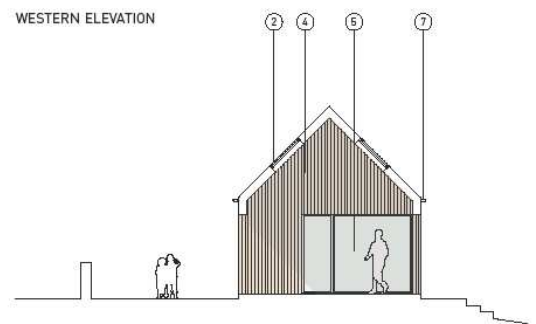
EASTERN ELEVATION



SECTION AA



WESTERN ELEVATION



SECTION BB

KEY TO MATERIALS
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5. ALUMINUM FRAMED DOUBLE GLAZED WINDOW SYSTEM, COLOUR TBC 6. SLIDING/FOLDING SLATED WESTERN RED CEDAR SCREEN TO COVERED OUTDOOR AREA 7. STEEL RAINWATER
GUTTERS AND DOWNPOUTS

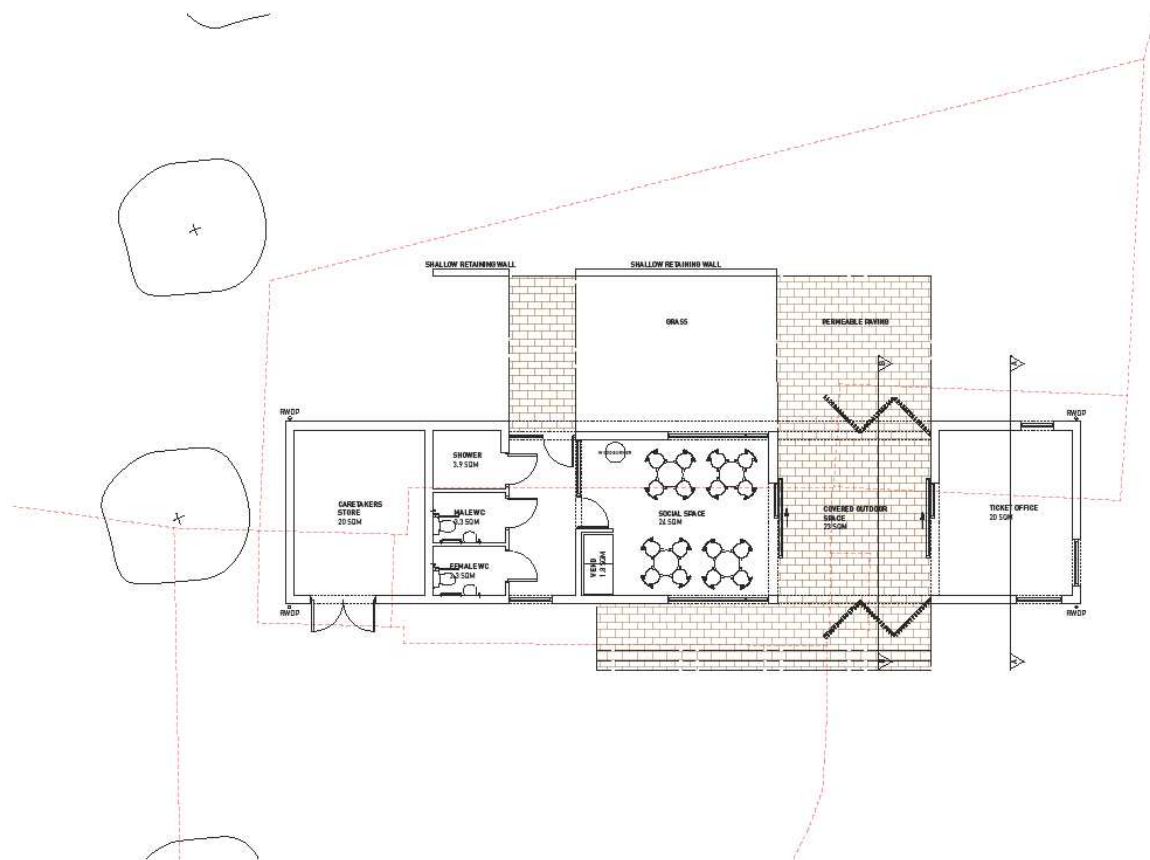
Revision description
Revision A (06.01.15) Eaves height reduced to 2.5m and circular rooflights changed to rectangular units following discussions with Planning Officer.
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Client
DEREK ROBINS
Project
QUARRY PARK DISC GOLF CLUBHOUSE

Created by
CJJ
Checked by
NJC
Date created
NOV 2014

Status	PLANNING	Drawing title	PROP. E & W ELEVATIONS & SECT. AA
Scale	1:100	Author	raj/djgms
Scale	1:100	Reviewer	raj
Scale	1:100	Checker	A

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revision description
 Revision A (06.07.15) Fire Shop note amended to Ticket Office to better reflect use of space.
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client	DEREK ROBINS	created by	CJJ	status	PLANNING	drawing title	PROPOSED OF PLAN
project	QUARRY PARK DISC GOLF CLUBHOUSE	checked by	NJC	scale	1:100	date created	14/05/2016

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Planning Committee: 31 March 2015

Item Number: 11

Application No: W 15 / 0161

Town/Parish Council: Weston under Wetherley
Case Officer: Emma Spandley
01926 456533 emma.spandley@warwickdc.gov.uk

Registration Date: 03/02/15
Expiry Date: 31/03/15

**The Barn, 1 Sabin Drive, Weston Under Wetherley, Leamington Spa,
CV33 9GA**

Change of use of public open space to garden land incidental to the enjoyment
of the dwelling house. FOR Miss Roberts

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

RECOMMENDATION

Planning Committee are recommended to REFUSE planning permission.

DETAILS OF THE DEVELOPMENT

The application proposes to change the use of part of the existing public open space to a residential garden to serve number 1 Sabin Drive.

THE SITE AND ITS LOCATION

No.1 Sabin Drive, was a former agricultural building converted as part of the redevelopment of the Weston Hospital site. The application site is located within the Green Belt and forms part of wider area of public open space.

The application site forms part of the wider Weston Hospital redevelopment site referred to in the planning history. Prior to the redevelopment of the site, a Development Brief was produced in order to provide the principles to guide the future redevelopment of the site. One of the key principles of the brief was to *"assimilate new development into the rural landscape, through sensitive planting and landscaping which could contribute to enhanced amenity."*

Furthermore, public open spaces were a requirement through the approved local plan. However, due to the size of the site and financial constraints on the Parish Council coupled with the lack of need for additional sports pitches, the requirement for the sports pitches within the public open spaces was waived, provided that open space was provided in excess of what was required. Amenity open space is that which can be used passively for an individual's enjoyment of their surroundings and include verges, woodlands, commons, ornamental parks and gardens and open spaces around buildings which can contribute to their design and setting.

PLANNING HISTORY

W/95/1361 - Erection of 57 dwelling units; conversion of administration building into 14 dwelling units and 2 barns into 2 dwelling units; erection of a community building; construction of access roads; provision of car parking, public open spaces and public right of way, granted 14th February 1997.

W/14/0492 - Change of use of public open space to residential garden at 3 Sabin Drive - refused in June 2014 for the same reasons as those recommended in this committee report.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

SUMMARY OF REPRESENTATIONS

Weston under Wetherley Parish Council - Supports the planning application, but requests that the applicant agrees to a covenant not to erect any permanent structures above 1 metre in height.

Public Response - 5 letters of objection have been submitted on the following grounds:

- The public open space has historically been an important focal point at the heart of the village and to grant permission would set an undesirable precedent;
- Do not agree that privacy is an issue as this area is not subject to pedestrian traffic; The proposal will destroy the open space which was a key element in the plan for the village;
- The proposal will blight the area with domestic paraphernalia; Will harm the character and appearance of the entrance to Sabin Drive.
- Inappropriate development in the Green Belt
- Would be harmful to the character and appearance of the entrance to Sabin Drive
- s.106 agreement relating to the residential development stipulates the area to be public open space

3 letters of support have been submitted on the basis that they agree with the points put forward by the applicants.

ASSESSMENT

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

- Whether the proposal constitutes appropriate development in the Green Belt and if not, whether any very special circumstances exist to outweigh the harm by reason of inappropriateness.
- Impact on character and appearance of the area and the setting of Listed Buildings

Green Belt

The NPPF sets out the types of development which are considered to be appropriate in the Green Belt. A change of use of public open space to garden land is not listed as an exception to inappropriate development. Case law in *Fordent Holdings Ltd v SSLCG & Cheshire West and Chester Council* [2013] EWHC 2844 (Admin) confirms that material changes of use in the Green Belt were inappropriate development. The erection of new buildings is also inappropriate development in the Green Belt. The term 'building' refers to any structure or erection (s.336 of the TCPA 1990) and it therefore includes fencing. The proposal is therefore clearly inappropriate development in the Green Belt, harmful by definition, and should not be permitted except in very special circumstances.

An assessment must be made as to whether very special circumstances exist which outweigh the harm by reason of inappropriateness and any other harm.

The supporting statement makes the case that the change of use of the land and the fencing is required to secure an appropriate level of privacy as the dwelling, including windows to habitable rooms, currently abuts the public open space. However, there is no public footpath in this area and comments received through the consultation process have stated that no pedestrian activity takes place in this area. The statement also states that damage is being done to the external fabric of the property, although no evidence has been submitted to substantiate this claim and no damage was apparent on site at the time of the case officer's site visit. In addition, the supporting statement states that the request for the 5 metre stretch of land around No.1 Sabin Drive is to encompass 7 drains. However, these do not actually belong to the application property and are the responsibility of the respective utility companies. The request for the 5 metres is also stated to be required to enable the opening and closing of the existing barn doors. It is considered that these reasons do not constitute the very special circumstances required to outweigh the harm to the Green Belt by reason of inappropriateness and the proposal is contrary to the NPPF.

Impact on open space

The public open space which the application site forms part of was included within the original Design Brief for the redevelopment of the Weston Hospital site. The open character of the area around the junction of the access road (Sabin Drive) and B4453 (Rugby Road) was required to be retained and the area landscaped to provide a green gateway to the development and also to provide a suitable setting to the adjacent Listed Buildings. Development is set back from

the highway in this area which forms an open setting to the Grade II Listed Buildings to the east, known as Timbers and Wedgewood. It is considered that the open characteristics of this area should be respected and retained, and in particular that the area between the barn conversion (No.1 Sabin Drive) and the new building (No.3 Sabin Drive) and the Listed Buildings should remain undeveloped.

Even though the land concerned may still be “open”, in the sense that it is not being built upon permanently, the suburbanising effect of garden fences, garden buildings, and other domestic paraphernalia associated with use of land as a domestic garden, is considered to be harmful to the character and appearance of the open rural countryside and the Green Belt. Even allowing for the mitigating effect of the removal of permitted development rights, the area of land will have to be enclosed and it would be difficult to control domestic paraphernalia. The proposal would therefore result in significant harm to the established character and appearance of this carefully planned development. To allow permission in this case will set an undesirable precedent whereby the Local Planning Authority will find it difficult to resist similar proposals which would result in further cumulative harm.

The proposal is therefore considered to be contrary to Policies DP1 and DP2 of the Local Plan.

Other matters:

The s.106 for the residential development stipulates the application site to be public open space. If planning permission is granted, this agreement would need to be amended prior to the sale of the land from the Council to the applicant.

SUMMARY/CONCLUSION

The change of use of land to residential curtilage and the erection of fencing is inappropriate development in the Green Belt, harmful by definition. The proposal is also harmful to the character and appearance of the area and the setting of Listed Buildings. The proposal would constitute a domestic encroachment into an open area of the Green Belt, the harm of which would be made worse through the presence of domestic paraphernalia. In the opinion of the Local Planning Authority, no very special circumstances have been put forward to justify the development. Furthermore, the loss of public open space goes against the carefully planned design ethos of the original redevelopment of the Weston Hospital.

REFUSAL REASONS

- 1 The application site is located within the Green Belt where the change of use of undeveloped open land to residential curtilage is considered to be inappropriate development, which is harmful by definition. The erection of fencing is also considered to be inappropriate development.

The domestic encroachment into an open area of Green Belt is considered to cause significant harm to the openness of the Green Belt,

by reason of its enclosure and that it would be realistic to expect the presence of domestic paraphernalia and a residential character and appearance.

In the opinion of the Local Planning Authority, no very special circumstances have been put forward to outweigh the harm by reason of inappropriateness.

For these reason the site is considered to contrary to the aims and objectives of the National Planning Policy Framework 2012.

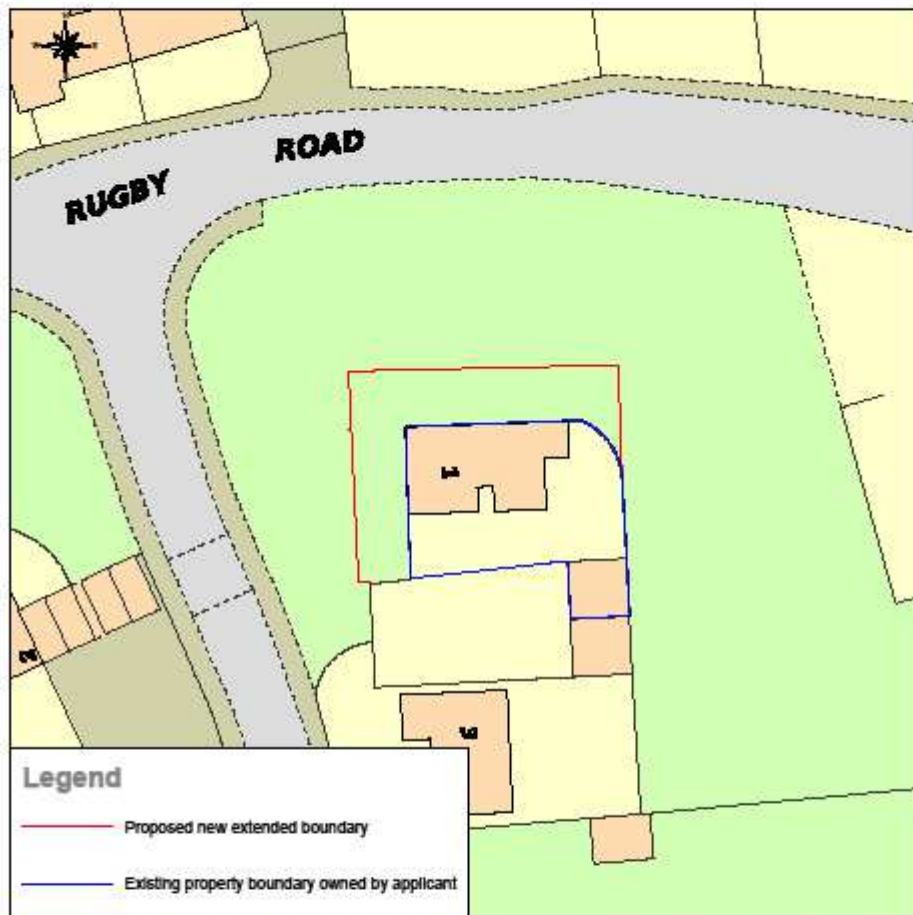
- 2 The smaller areas of amenity open space included within the original Design Brief for the redevelopment of Weston Hospital were required as a function of design within the new housing layouts. The open character of the area around the junction of the access road (Sabin Drive) and B4453 (Rugby Road) was required to be retained and the area landscaped to create a green gateway and setting to the adjacent Listed Buildings. Therefore the area around the junction with Sabin Drive and Rugby Road has village green characteristics. Development is set back from the highway in this area which forms an open setting to the Grade II Listed Buildings know as Timbers and Wedgewood.

In the opinion of the Local Planning Authority, the open characteristics of this area should be respected and retained, and in particular the area to the front of the barn conversion (No.1 Sabin Drive) and the Listed Buildings should remain undeveloped.

Although the application land may still be “open”, in the sense that it is not proposed to build upon, the suburbanising effect of means of enclosures, hardstandings and other domestic paraphernalia associated with use of land as a domestic garden, is considered to be harmful to the character, appearance and setting of this carefully planned development and on the setting of the Listed Buildings.

The proposal is therefore considered to be contrary to Policies DP1, DP2 and DAP4 of the Local Plan.

Site Plan of No.1 The Barn, Sabin Drive, CV33 9GA



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0m 5m 10m 15m 20m 25m 30m 35m 40m

Scale: 1:500, paper size: A4

plans ahead by **emapsite**

Prepared by: Beth Roberts, 29-12-2014

Planning Committee: 31 March 2015

Item Number: 12

Application No: W 14 / 1842

Town/Parish Council: Leamington Spa
Case Officer: Emma Spandley

Registration Date: 19/02/15

Expiry Date: 16/04/15

01926 456533 emma.spandley@warwickdc.gov.uk

18 Lee Road, Leamington Spa, CV31 3JG

Erection of a two storey side / rear extension; Erection of a single storey rear extension; Change of use from a 3 bedroomed House in Multiple Occupation (HMO) (Use Class C4) to a 7 bedroomed House in Multiple Occupation (HMO) (Sui Generis). FOR Mr & Mrs Mann

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a two storey side extension which will project which will extend the full depth of the house and then 3.7 metres beyond the rear elevation. A single storey rear extension is also proposed and will have a projection of 3 metres along the boundary with No.16 Lee Road.

The proposed extensions will allow the property to increase from a 3 bedroomed House in Multiple Occupation to a 7 bedroomed HMO.

A gap of 1 metre at the front increasing to 1.6 metres to the rear is retained between the shared boundary with No.2 Westlea, which is set at 90 degrees to the application site.

THE SITE AND ITS LOCATION

The application property is a two storey semi detached established 3 bedroomed HMO, located on the west side of Lee Road within a predominantly residential area.

PLANNING HISTORY

There is no planning history relating to the site.

RELEVANT POLICIES

- National Planning Policy Framework

- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- Guidance Documents
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Leamington Spa Town Council : Object for the following reasons:

1. There is already a significant over concentration of HMOs within this area which is well in excess of the limitations set in the current HMO policy and by increasing the capacity of this property the impact would be detrimental to the amenities of residential occupants, particularly in respect of noise, litter and waste management within the surrounding area.
2. The communal space shown on the plans is considered to be insufficient for the proposed number of occupants.

WCC Ecology: No objection, subject to a condition regarding the time table of works

WCC Highways: No objection

Waste Management: No objection as long as there is sufficient storage space for bins.

Councillor Gill: Objection on grounds of overdevelopment, parking, refuse and that there are already enough HMOs in the area. Requested that the proposal be assessed in accordance with the HMO Policy.

Councillor Knight: Objection on grounds of parking, refuse and that there are already enough HMOs in the area. Requested that the proposal be assessed in accordance with the HMO Policy.

Public Response: 2 objections received on grounds of loss of light, loss of privacy, noise and disturbance, traffic generation and access with insufficient parking.

ASSESSMENT

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

- whether the proposals would cause or add to a harmful over-concentration of student accommodation in this area;
- the impact on the living conditions of neighbouring dwellings;
- the impact on the character and appearance of the area;
- car parking and highway safety;
- Renewables / energy efficiency

Whether the proposals would cause a harmful over-concentration of student accommodation in this area

Policy H6 of the Draft Local Plan 2011-2029 which can be afford significant weight, states that planning permission will only be granted for Houses in Multiple Occupation where:-

- a) the proportion of dwelling units in multiple occupation (including the proposal) within a 100 metre radius of the application site does not exceed 10% of total dwelling units;
- b) the application site is within 400 metres walking distance of a bus stop;
- c) the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMOs;
- d) the proposal does not lead to a continuous frontage of 3 or more HMOs; and
- e) adequate provision is made for the storage of refuse containers whereby - the containers are not visible from an area accessible by the general public, and the containers can be moved to the collection point along an external route only.

The supporting text at para. 4.64 states "*the purpose of this policy is to control the location of new HMOs in order to prevent these uses from either exacerbating existing concentrations or leading to new concentrations*" it goes on to say that "*the policy aims to prevent concentrations at both levels by ensuring that within a 100 metre radius of the proposal not more than 10% of dwellings are HMOs.*"

The existing property is a lawful HMO which could lawfully accommodate up to 6 people without requiring further planning permission for a change of use. While the proposal includes extensions to facilitate the increase in the number of bedrooms (this element will be assessed below), the actual increase in bedrooms which will form part of this assessment in terms of the change of use is from 6 to 7.

Notwithstanding the above;

- a) The number of HMOs within a 100 metre radius is 11, which includes the application site. The percentage of HMOs is already at 11%.

The proposal is not for an additional HMO as the property is an established HMO and therefore the concentration levels will not be changed. As stated above the policy is concerned with the number of properties being a HMO within a 100 metre radius not the number of people living with individual properties.

- b) The nearest bus stop is located within Queensway which is within 400 metres of the application site
- c) the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMOs;
- d) the proposal does not lead to a continuous frontage of 3 or more HMOs; and
- e) adequate provision is made for the storage of refuse containers within the rear garden accessed via the walkway between the proposed extension and the shared boundary with No.2 Westlea.

It is considered that as the proposal is already a lawful HMO, the increase in bedroom numbers will not add another HMO to the area and therefore the proposals accord with Policy H6 contained within the Draft Local Plan 2011-2029.

The impact on the living conditions of neighbouring dwellings

The Warwick District Local Plan Policy DP2 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

The Residential Design Guide SPG (April 2008) provides a design framework for Policies DP1 & DP2 and states rear extensions should not breach a 45 degree line taken from the centre point of the nearest habitable room of a neighbouring property at ground floor, nor should an extension restrict the outlook or amenity of a neighbouring property.

The objections of the neighbouring property, No.16 Lee Road are noted and it is acknowledged that the ground floor element of the proposed extension breaches the 45 degree sightline taken from the neighbour's window. However, in 2008 the Permitted Development Rights criteria was changed to an impact based approach, whereby the Government deemed a 3 metre deep single storey rear extension on a semi-detached property to be acceptable. The 45 degree sightline is not breached from the quarter point at first floor from No.16's nearest window.

The relationship between the proposed single storey rear extension and the neighbouring dwelling is one that is deemed to be acceptable under the impact based approach to permitted development rights and is supported on this basis. Therefore, taking this into account, together with the non breach of the 45 at first floor level. It is consider that the proposals would not cause unacceptable loss of light or outlook to No.16 Lee Road.

In terms of the objection from No.2 Westlea Road, which is at a 90 degree angle to the application property, the Distance Separation Supplementary Planning Guidance (SPG) provides an objective standard against which to assess the impact of development upon the amenities of the adjoining occupiers. The

guidance serves to limit the potential for over-development, loss of privacy and dominance over adjoining dwellings and secure a reasonable standard of amenity and outlook for local residents. The SPG states that there should be a minimum 12 metre separation distance between the rear of a two storey house facing onto a first floor blank gable end of a two storey building. Whilst there are windows within the side elevation of the proposed extension, these will be obscured glazed as they serve bathrooms. For the purposes of the application, the side elevation is considered as blank. The proposed 2 storey side / rear extension will project adjacent to the common boundary with No.2 Westlea Road, however, it will be set off by 1.5 metres increasing to 2.1 metres. The width of the side extension has been reduced in order for a 12 metre separation distance to be achieved. On this basis, it is considered that the proposed extensions to No.14 Lee Road will not have a detrimental impact through visual intrusion, loss of light or loss of privacy to either 2 Westlea Road and 16 Lee Road to warrant refusal of the application.

In terms of the objections based on increase noise and disturbance, the Council's Environmental Health team have produced a "hot spots" map which identifies areas which are particularly prone to anti-social behaviour and noise nuisance. The maps illustrate that the application property is not located within a hot spot area and therefore without further evidence of noise and disturbance it is considered unreasonable to refuse permission.

The impact on the character and appearance of the area

Policy DP1 of the Warwick District Local Plan Policy states extensions should harmonise and enhance existing settlements and reinforce or enhance the established urban character of streets; reflect local architecture and historic distinctiveness and respect the surrounding buildings in terms of scale, height, form and massing.

It is considered that the proposals would have an acceptable impact on the character and appearance of the area. The design and form of the proposed extensions would be in keeping with the application property and surrounding development and accord with the principles set out in the Residential Design Guide SPG.

Car parking and highway safety

Policy DP8 of the Warwick District Local Plan states that development will only be permitted which does not result in on-street parking detrimental to highway safety. In addition, the Vehicle Parking Standards SPD sets out the required off street parking for HMOs which requires 1 car parking space per 2 bedrooms.

The drawings, as originally proposed indicated that there would be four off road parking spaces. The Highway Authority have stated that they do not object to the principle of the development, however, they have raised concerns regarding the full length of the proposed dropped kerb and have confirmed that this should not exceed 5 metres in width, which would mean that off street parking could only be provided for 2 vehicles on site. Amended drawings have been submitted accordingly. Nevertheless, the Highway Officer has undertaken various site inspections at various times of the day, and considers that there is sufficient

capacity on the road to accommodate the additional 2 car parking spaces without causing issues with regards to Highway Safety. As a result there would also be no material harm to residential amenity by reason of parking stress.

Renewable energy/reduction in carbon footprint.

The application proposes to install solar thermal panels on the southern roof slope. These will provide the hot water to the whole house. It is considered that this can be controlled by a suitably worded condition.

SUMMARY/CONCLUSION

The supporting text of the Draft Policy H6 states it seeks to control the number of dwellings that change from a house to a HMO. The existing house is already a HMO and therefore there will not be an increase in the number of HMOs within the area. The hot spots maps illustrate that the application property is not located within a hot spot area and therefore without further evidence of noise and disturbance it is considered unreasonable without any substantive evidence to refuse planning permission on the grounds of noise and disturbance.

Whilst the proposed single storey extension infringes the 45 degree sightline, the impact based permitted development criteria indicate that the 3m projection would be acceptable. It is considered wholly unreasonable for the District Council to require the applicant to build the ground floor extension first and then apply for planning permission for the two storey element. Therefore using the permitted development allowances as a genuine fall back position the proposed extensions as a single proposal are considered acceptable.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 14/44-02 Rev B, 14/44-03 Rev A and specification contained therein, submitted on 19th March 2015. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development shall be timetabled and carried out as outlined by Cotswold Wildlife Surveys in the Bat Survey report for 18 Lee Road dated 8th January 2015.
 - a) timing of the construction of the upper levels and roof of the building should avoid the bird breeding season (March to September inclusive)

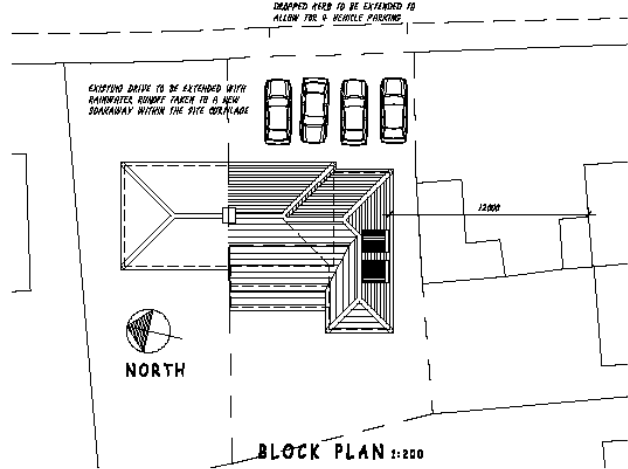
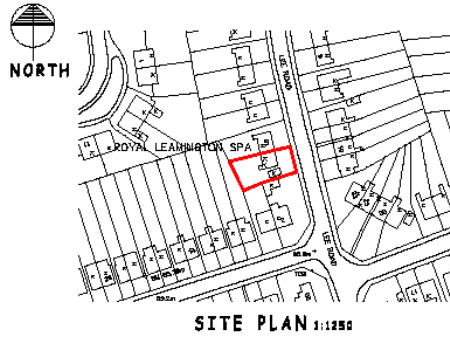
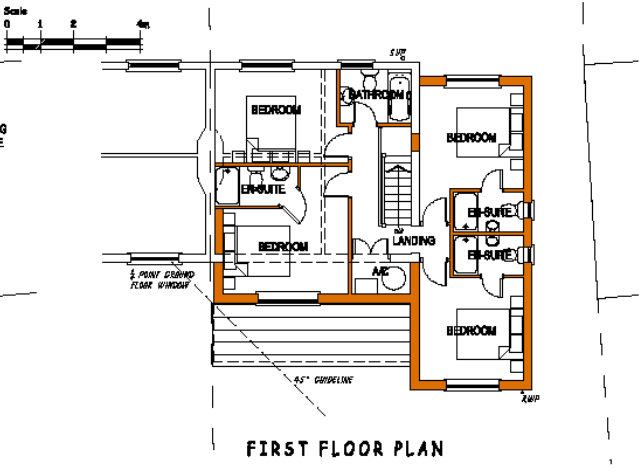
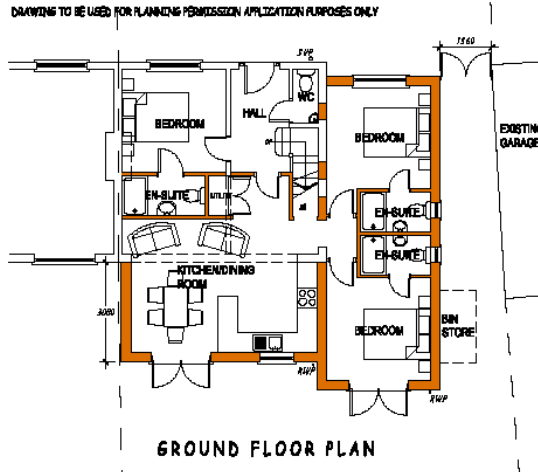
to prevent possible disturbance to a red list bird species. If this is not possible then works should not commence until a qualified ecologist has been appointed by the applicant to inspect the building for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist.

b) No part of the development hereby permitted shall be commenced until a scheme for the provision of suitable nesting boxes to be erected on trees/buildings within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme to include details of box type, location and timing works. Thereafter, the box(es) shall be installed and maintained in perpetuity.

REASON: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.

- 4 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details as shown on drawing no.14/44-02 Rev B submitted on 19th March 2015 . The works within this scheme shall be retained at all times thereafter 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 DP13 in the Warwick District Local Plan 1996-2011.

DRAWINGS TO BE USED FOR PLANNING PERMISSION APPLICATION PURPOSES ONLY



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 21 Lina Avenue - Millington - Leamington Spa
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 01926 745538 or mobile 07789 932816
 architectural consultants

Revisions
 REV A - DRAWING AMENDED TO INDICATE NEW
 BEDROOM LAYOUT
 REV B - EXTENT OF SUB/NEAR 2 STOREY EXTENSION
 REMOVED. SUN STORAGE AREA INDICATED

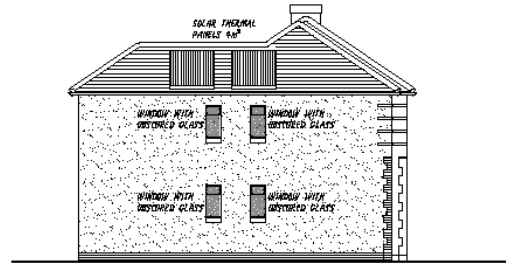
Project Description: PROPOSED EXTENSION(S) AND ALTERATIONS at 18 LEE ROAD,
 LEAMINGTON SPA For Mr & Mrs MAHNA
Drawing Description: PROPOSED PLANS, BLOCK PLAN AND SITE LOCATION PLAN
 Dwg No. 1444-02 B Scale @ A3: 1:100/1:200/1:1250

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DRAWINGS TO BE USED FOR PLANNING PERMISSION APPLICATION PURPOSES ONLY



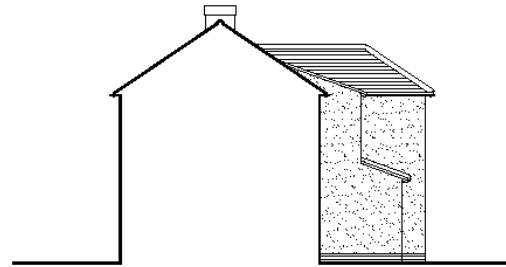
EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION

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Revisions
REV A: EXTENT OF SUB/REAR 2 STOREY EXTENSION
REDUCED.

king designs 21 Newcombe - Millington - Leamington
architects - 01922 706 141
architectural consultants 01922 749338 or mobile 07735 913516
Project Description: PROPOSED EXTENSION(S) AND ALTERATIONS at 18 LEE ROAD,
LEAMINGTON SPA For Mr & Mrs MAH
Drawing Description: PROPOSED ELEVATIONS
Dwg No. M44-03A
Scale @ A3: 1:100
This drawing has been made to the best of our knowledge and belief.

Planning Committee: 31 March 2015

Item Number: 13

Application No: W 15 / 0090

Town/Parish Council: Leamington Spa

Case Officer:

Sally Panayi

01926 456541 Sally.Panayi@warwickdc.gov.uk

Registration Date: 23/01/15

Expiry Date: 20/03/15

28 Clarendon Street, Leamington Spa, CV32 4PG

Erection of first floor rear extension to existing HMO FOR KEYSTONE
DEVELOPMENTS

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

The proposal is for the erection of a first floor rear extension, 2.97 metres in depth and 2.6 metres in width above the existing single storey flat roofed rear extension. Internal alterations to the property will convert an existing bedroom on the first floor to a bathroom and the area of the extension will create a replacement bedroom. There will therefore be no net increase in the number of bedrooms to the existing HMO.

THE SITE AND ITS LOCATION

The application property is a two storey mid-terraced period dwelling with accommodation in the roof space, located on the western side of Clarendon Street, within the Royal Leamington Spa Conservation Area. The application property is an established house in multiple occupation. The attached neighbour to the south, number 30, is a two storey dwellinghouse, also in use as a house in multiple occupation. The single storey front extension to number 30 extends forward to the pavement and is in use as a hairdresser's salon. The attached neighbour to the north, 26 Clarendon Street, is a three storey bay fronted rendered house occupied as a single family dwelling.

PLANNING HISTORY

W/14/1570 - Proposed first floor rear extension to existing HMO. This application was for a similar proposal to the current application, but extended 4.5 metres in depth. Refused 07/01/15, on grounds of harm to the living conditions of the occupiers of the neighbouring property by reason of its design and resultant loss

of light. An appeal has been submitted against this refusal and a decision is awaited.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection on grounds that the layout as shown does not appear to meet minimum size requirements for bedroom/communal space for the proposed number of residents to the detriment of the quality of life of future occupants

Private Sector Housing: The new bedroom should have a minimum floor area of 6.5 sqm. Comments as per previous application.

Warwickshire Police: No observations

WCC Highways: No objection

Assessment

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

The Principle of the Development

The principle of a first floor rear extension is acceptable within the residential area. The proposal will add an additional bathroom and provide a replacement bedroom within an established HMO. However, as the use is already established and no additional bedrooms are proposed, the principle of use is not an issue for this application.

The impact on the character and appearance of the area

The proposed first floor extension is designed to extend the form of the existing rear wing at first floor with a mono pitch roof sloping to the south towards the neighbouring property at 30 Clarendon Street. The existing single storey rear extension is a flat roofed structure. The rear of this property is not seen from the street and as a result the proposal has no impact on the street scene. The Council's Conservation Officer is happy with the proposal, subject to the use of traditional materials and a timber window, which can be secured by condition.

The impact on the living conditions of nearby dwellings

The neighbour at 30 Clarendon Street has a two storey rear extension to the original rear wing of the property. The relationship between this neighbour and the application site is such that there is no material impact by the addition of a first floor above the existing single storey structure.

The neighbour at 26 Clarendon Street has a two storey rear extension beyond the original depth of the rear wing. The building has a mono pitch roof form with the slope towards the application site. The flank wall of this neighbouring extension appears to have been built as a party wall. The rear wall of the proposed extension is flush with the rear wall of the neighbouring two storey rear wing. There is no material impact on this attached neighbouring property. There is no breach of the 45 degree line from either neighbour and the proposal is therefore considered to comply with Policy DP2 of the Local Plan.

Car parking and highway safety

The proposed extension is designed to enable the creation of an additional bathroom at first floor, by the conversion of an existing first floor bedroom. The extension will provide a replacement bedroom rather than an additional bedroom. There is therefore no increase in parking requirement as a result of the proposal and no objection is raised by the Highway Authority.

Renewable energy

Given the limited scale of the development proposed there is no requirement to provide renewables in this case.

Health and Wellbeing

The size of the room being created as bedroom accommodation is indicated to be 7.0 square metres. The property is an existing licensed HMO. A new licence application will be required prior to the occupation of the property which will only

be issued if the necessary standards of accommodation are met. Private Sector Housing have confirmed that the size of the room proposed exceeds their minimum standards.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the proposed extension is acceptable in principle and will provide an appropriate design solution that will not affect neighbouring amenity and will provide adequate living conditions. The proposal is therefore considered to comply with the policies listed.

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 4425-01A submitted on 6th March 2015 and 4425-02 and 4425-03 submitted on 23rd January 2015, and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 All window frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

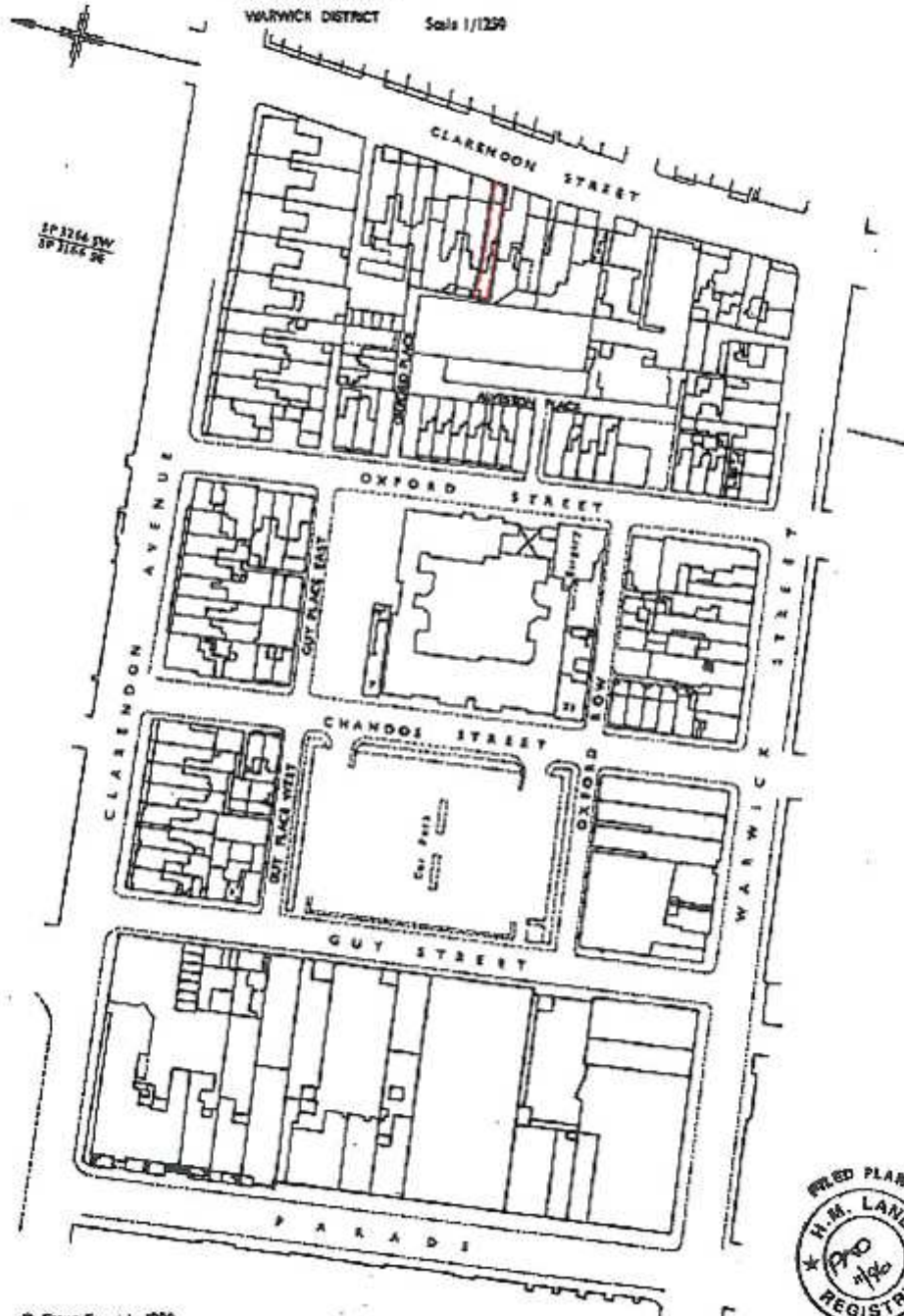
H. M. LAND REGISTRY

© NATIONAL GRID PLAN SP 3166 SECTION G

WARWICKSHIRE

WARWICK DISTRICT

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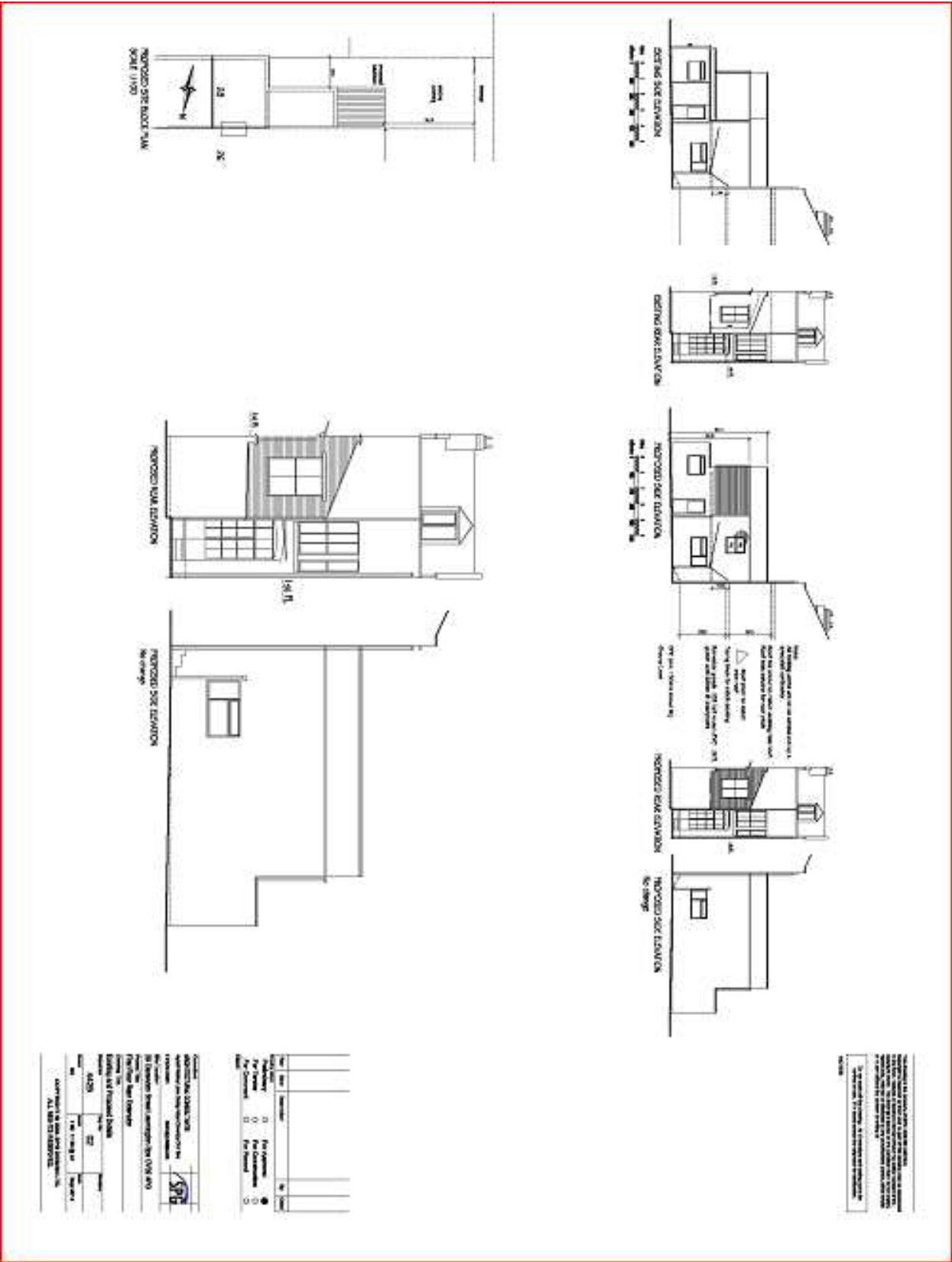


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Planning Committee: 31 March 2015

Item Number: 14

Application No: W 15 / 0163

Town/Parish Council: Leamington Spa
Case Officer: Sally Panayi

01926 456541 Sally.Panayi@warwickdc.gov.uk

Registration Date: 04/02/15

Expiry Date: 01/04/15

104 Telford Avenue, Lillington, Leamington Spa, CV32 7HG

Erection of two storey side and single storey rear extension, raising of roof and insertion of front and rear dormers to create first floor accommodation and erection of front porch FOR Mr & Mrs Doxey

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 conditions.

DETAILS OF THE DEVELOPMENT

The proposal is for the conversion of the existing bungalow to a chalet style bungalow with front and rear dormer windows. The development proposes a first floor extension to the existing bungalow, and the erection of a two storey side extension, to create 5 bedrooms at first floor, with a single storey rear extension to provide a garden room. A new front porch is also proposed.

THE SITE AND ITS LOCATION

The application property is located at the north-western end of Telford Avenue, midway between the junctions with Stirling Avenue and Leicester Lane. The road slopes gently down towards the north, with the application property being at a lower ground level than the adjoining bungalow at 102 Telford Avenue. There are a number of bungalows in the area, including the two properties to the south-east and the three properties on the opposite side of the road.

PLANNING HISTORY

W/04/1877 - Erection of rear ground floor and first floor extension - Refused 09/12/04, for the following reasons: Unacceptable adverse impact on the amenity of nearby residents by reason of its increased height, scale and mass, creating an overbearing dominant impact on the adjacent properties, overdevelopment of the site and an adverse impact on the street scene.

W/14/0954 - Two storey side and rear extension, raising the ridge height, erection of chimney and front porch. Withdrawn 27/08/14, to allow further negotiations with the Local Planning Authority.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Leamington Spa Town Council: Object, for the following reasons: 1). The Council does not consider that any significant change has been made to the previous application and therefore the original objections remain; 2). The development continues to result in an unacceptable adverse impact on nearby residents by reason of its increased height, scale and mass; 3). This unsympathetic development creates an overbearing dominant impact on adjacent properties which are predominantly single storey bungalows.

WCC Ecology: Recommend that notes relating to bats and nesting birds, as protected species, are attached to any approval granted.

Public Response: 8 Objections have been received on the following grounds: 1). Over-development on a small plot and adverse impact on the street scene with a large 5 bed house in place of bungalow; 2). Overbearing impact and loss of light to adjacent properties; 3). Parking area to front of house insufficient; 4). Errors in the plans, position and size of chimney at number 102; 5). The nature of the slope of Telford Ave will increase the overbearing effect of the chimney and the development on the adjoining property; 6). Overlooking as result of first floor windows.

ASSESSMENT

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

The impact on the character and appearance of the area

The established character is one of a predominantly residential area comprising mainly of bungalows. The application site and the adjacent bungalow at number 102 are the more modest of the properties in the street, while the gable sided bungalow at 100 has been converted to a chalet style bungalow and the three bungalows on the opposite side of the road are a design of a greater width presenting a more substantial appearance in the street scene. The streetscene is therefore mixed in terms of design and size of property.

The conversion of the existing dwelling to a chalet style bungalow proposes increasing the roof height from 5.0 metres to 6.5 metres and an alteration of the roof to form a gable sided design. The increase in height is considered to be acceptable in the street scene, particularly as the application property is at a lower ground level than the properties to the south-east. The increased width of the bungalow, maintaining a 1.0 metre gap to the neighbour at 102 and extending up to the boundary with the garden of 106 Telford Avenue is also considered to be acceptable as a distance of over 24 metres between the application site and the side elevation of number 106 is maintained to provide a substantial break in the street scene.

The impact on the living conditions of nearby dwellings

102 Telford Avenue: This neighbouring bungalow to the south-east of the application property has a front door on the north/ side elevation facing towards the application site. The area to the side of the bungalow is enclosed by a lean-to structure with a corrugated plastic roof and side wall which extends approximately 0.5 metre above the height of the 1.8 metre boundary fence. The windows on the northern elevation are obscure glazed. The proposed conversion of the bungalow will result in the alteration of the side elevation from a single storey with a simple roof pitched away from the boundary to a two storey gable wall with a maximum height of 6.0 metres to the ridge. The wall is located 1.0 metre from the shared boundary. Windows are proposed at first floor to serve the bathroom and ensuite which would be obscure glazed. At ground floor a door serving the utility room is proposed on the side elevation. The application property is positioned to the north. Given the particular on site circumstances, it is considered that there would be no material loss of light or outlook to a degree that would warrant a recommendation of refusal. Two dormer windows are proposed on the rear elevation. Mutual overlooking from first floor windows is not an unusual occurrence in residential areas and it is therefore considered that the proposal would not result in material harm to the living conditions of neighbouring properties. The single storey rear extension is a flat roofed structure with a roof lantern to a depth of 4.0 metres beyond the original rear wall of the property. This extension could be built as permitted development as the bungalow is a detached property. There is no conflict with a 45 degree line taken from the habitable room windows of number 102, which is screened by the single storey flat roof projection to the rear of the neighbouring bungalow.

106 Telford Avenue: This bungalow is located to the north-west of the application site, at a lower ground level. The front entrance to the bungalow faces onto Telford Avenue, with the side elevation with habitable room window and patio doors facing onto the garden area to the side of the dwelling. A single

detached garage within the garden of this property is located on the boundary between the application site and the end of the garden of 106. The distance between the side elevation of no. 106 and the side elevation of no. 104 is 24 metres, meeting the standard set out in the Council's Distance Separation SPG and there are no windows in the side elevation of the proposed extensions facing towards this neighbour. While the increase in the ridge height of the bungalow by 1.5 metres and the alteration of the roof form to a gable positioned up to the boundary will increase the appearance of the bulk of the building when viewed from no.106 Telford Avenue, given the separation distance, it is considered that the proposal would provide adequate levels of outlook for the occupiers of no.106 and the impact would not be sufficient to justify a reason for refusal.

Car Parking and Highway Safety

No objection was raised by the Highway Authority in relation to parking. There is space available within the curtilage of the property to provide three parking spaces, including the garage, which meets the parking requirements for a property with 4 or more bedrooms. The proposal therefore complies with Policy DP8.

Energy Efficiency/CO²

The sustainability statement for the proposal indicates that 11 solar panels are to be installed on the south facing roof slope to provide 10% of the additional energy demand for the development. This can be secured by condition.

Ecological Impact

No significant issues, subject to the inclusion of bat and bird notes.

Health and Wellbeing

N/A

SUMMARY/CONCLUSION

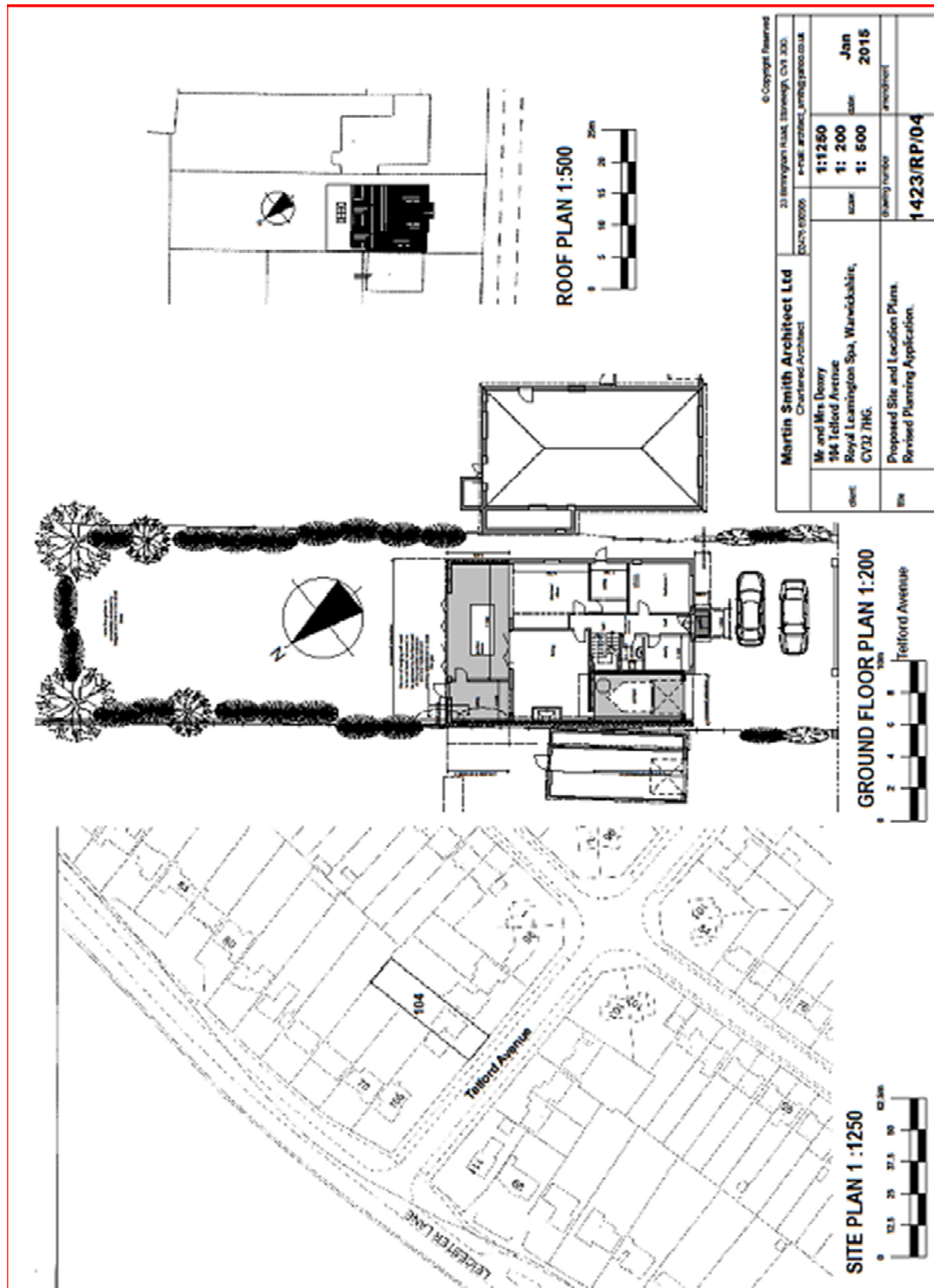
In the opinion of the Local Planning Authority, the conversion of the bungalow to a chalet bungalow is considered acceptable in principle. The design of the extended dwelling is considered to be in accordance with the requirements of the Council's Residential Design Guide SPG and with Policies DP1 and DP2 of the Local Plan.

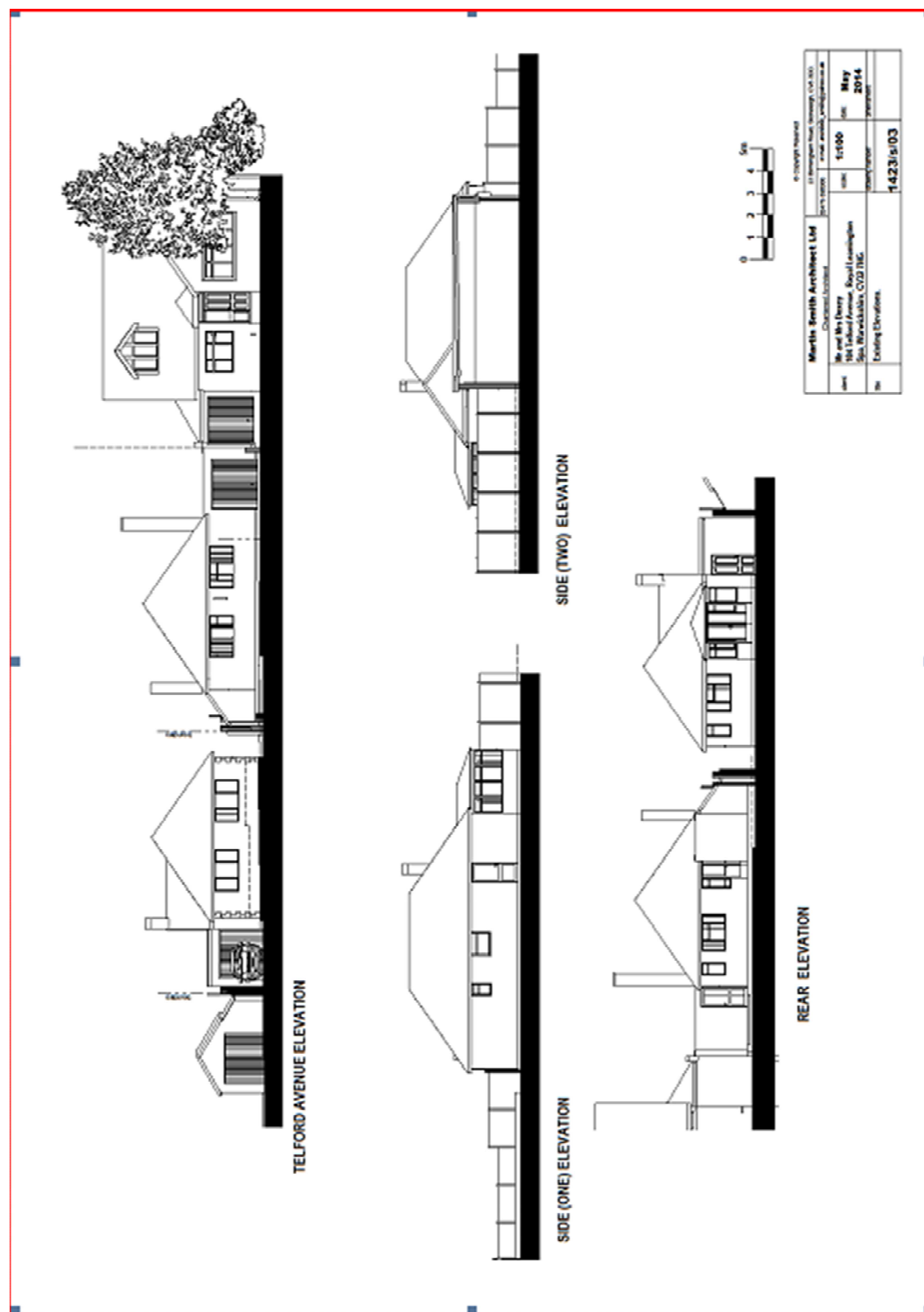
CONDITIONS

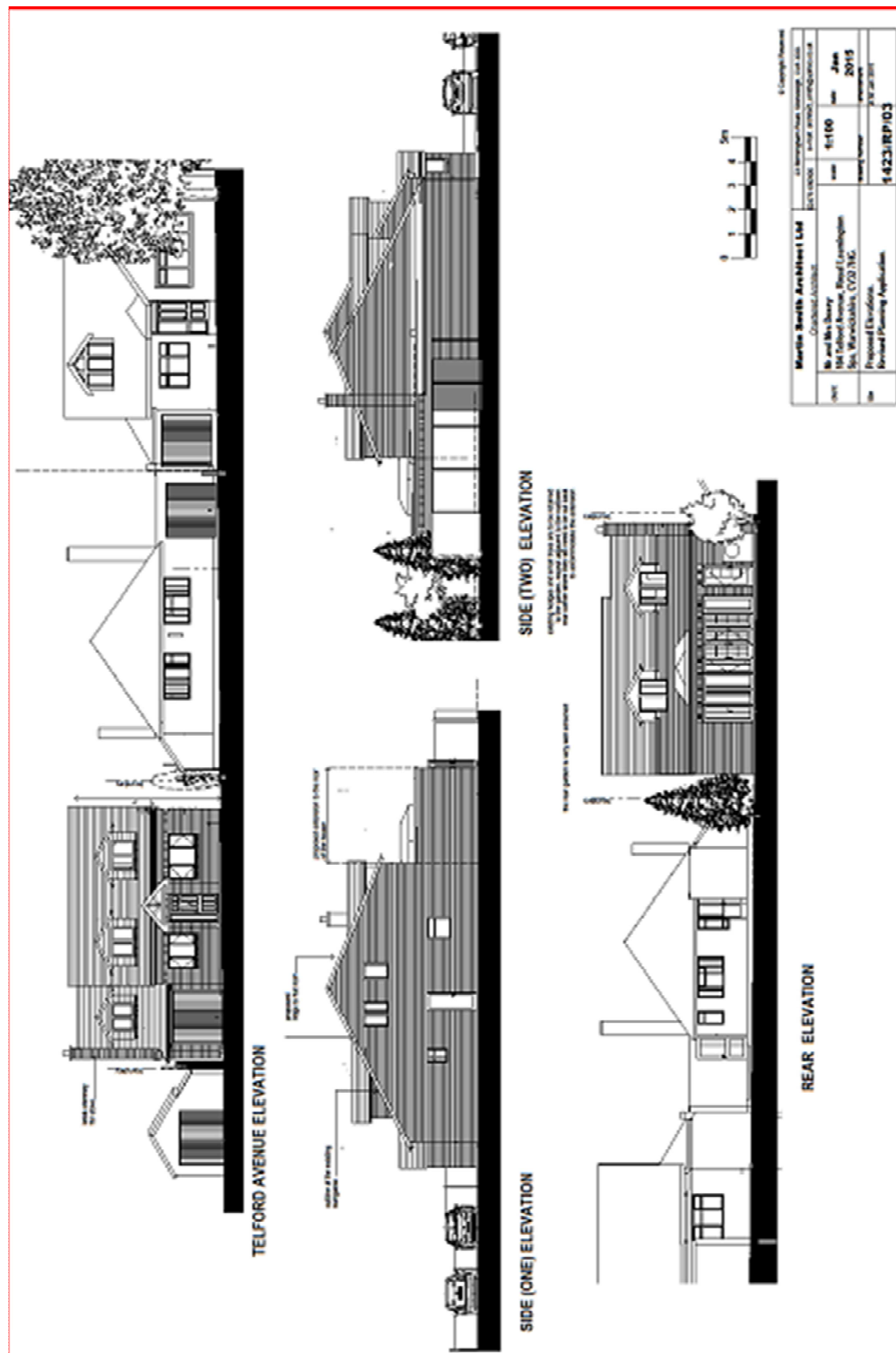
- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 1423/RP/01, 1423/RP/02, 1423/RP/03A and 1423/RP/04, and specification contained therein, submitted on 4th January 2015. **REASON :** For the avoidance of doubt and to secure a

satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 3 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its 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. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.
REASON: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 4 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 5 Prior to the occupation of the development hereby permitted, the first floor bathroom and ensuite windows in the south-east elevation 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 DP2 of the Warwick District Local Plan 1996-2011.







Planning Committee: 31 March 2015

Item Number: 15

Application No: [W 15 / 0185](#)

Town/Parish Council: Warwick
Case Officer: Anne Denby

Registration Date: 20/02/15

Expiry Date: 22/05/15

01926 456544 anne.denby@warwickdc.gov.uk

Plot 3001 Tournament Fields, Stratford Road, Warwick

Submission of all reserved matters in relation to construction of a B1/B2/B8 unit, under Condition 2 imposed on planning permission reference W/13/0758 granted on 3rd September 2013 for redevelopment for employment purposes (B1, B2 & B8) FOR Sackville Developments

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

RECOMMENDATION

Planning Committee are recommended to GRANT approval of the reserved matters of access, appearance, landscaping, layout and scale subject to the conditions listed.

DETAILS OF THE DEVELOPMENT

This application seeks the approval of reserved matters for access, appearance, landscaping, layout and scale, following the outline permission for the development of the site for B1, B2 and B8 purposes. The proposal is for a single building of 3, 674sq.m to be used for B1(b)& (c) High Technology / Light Industry with an element of B2 General industrial. This will consist of 1,585sq.m of workshop space and 2,089sq.m of office space provided for on the ground floor and within a mezzanine level. The building will be used by a developer of specialist automotive user and maintenance documentation. Research, compilation and design of automotive literature will be carried out at the premises, together with testing of car maintenance and repair procedures for purpose of research.

The building would measure 35.4m by 73.4m with a maximum height of 10m. Vehicular and pedestrian access to the site would be created from Edge Hill Drive with 92 car parking spaces, including 2no. disabled spaces provided. The building would be clad in composite metal cladding with a low pitched roof. The offices and main entrance are sited within the southern section of the building with the design incorporating double height glazing sections to the office area and a glazed canopy feature to the main entrance.

One vehicular access is proposed, this will serve the main car park and further parking spaces and service yard are provided within a fenced yard to the rear of the building. A pedestrian access will also be provided from Edge Hill Drive, to the north for access to the main entrance.

The building will be surrounded by 1.8m high steel mesh paladin fencing, with 2.4m high fencing to the boundary with the existing Ambulance Hub. The building will be set back from the site frontage retaining the existing green verge to the roundabout and Edge Hill Drive.

THE SITE AND ITS LOCATION

The application site relates to Plot 3001 within the allocated employment land at Tournament Fields, which is on the southern edge of Warwick, close to the M40 junction.

The plot is within the northern side of Tournament Fields on the main spine road through the estate, Edge Hill Drive. The site is roughly rectangular, with one corner being clipped by the roundabout junction on Edge Hill Drive.

The site abuts the recently constructed West Midlands Ambulance Hub, which lies to the north-west of the site with vacant allocated employment land to the south and west. On the opposite side of Edge Hill Drive is Tornado Court and further office development built out under the outline approval for the wider site.

PLANNING HISTORY

W/92/0291 - Phased erection of B1, B2 and B8 floorspace, (66,000sq.m) residential development, service roads, car parking, landscaping, associated infrastructure and ancillary developments. - Granted.

This permission was renewed in 2007(W/04/1851), and in 2014 (W/13/0758) for a further six years, and has subsequently been developed in stages under a succession of reserved matters applications.

Development built under the outline consent to date includes Tournament Court, Gerberit HQ, Eagle Burgman, Pure Offices and the West Midlands Ambulance Hub.

RELEVANT POLICIES

- National Planning Policy Framework
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

Guidance Documents

- Employment Land Development Brief - Tournament Fields, Warwick (Prepared by Severn Trent Property)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No comments received to date.

Highways: No objection

Ecology: No objection, subject to conditions

Environmental Protection: No objection

Community protection: No objection, subject to conditions.

**3no. public responses have been received in support of the proposals.
The details of these can be summarised as follows:**

- The proposal is very smart and in keeping with the surrounding buildings.
- The proposals look fine.
- The business park has been under occupied for some time.
- We need more employment in the town.
- There is a need to ensure planned parking space is sufficient.

**3no. public responses have been received in objection to the proposals.
The details of these can be summarised as follows:**

- There is currently a significant deficit of parking for the existing businesses in the vicinity, leading to parking on Edge Hill Drive. This makes it difficult for both residents on the Beaumont Meadow estate and ambulances to navigate out to the Stratford Road.
- A much larger parking provision must be allocated to the proposed site to avoid adding to this problem.
- The existing offices have inadequate parking and additional parking for existing businesses should be considered on the site to stop parking on Edge Hill Drive.
- The site is directly opposite houses on the Beaumont Meadow Estate, sufficient screening must be provided to ensure it is hidden from the elevated views of the two-storey houses.
- The proposal will result in HGV traffic on Edge Hill Drive which it is not capable of accommodating due to the parking problems in the area.
- The road is a well-used bus route and also now home to the local ambulance service depot.
- The highway arrangement needs 're-planning' which may simply mean yellow lining in order that the carriageway can be freed up.
- The fundamental nature and operation of the highways at this location has changed during the intervening period with the extra development and arrival of the ambulance depot in particular. This needs to be considered as part of this application.

ASSESSMENT

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

- The principle of development

- Traffic impact / highway safety
- The impact on visual amenity and neighbouring development
- Ecological impact
- Energy efficiency / CO2

Principle of development

The principle of the construction of warehouse, office and industrial buildings has previously been approved under the outline permission for the wider site. Tournament Fields is identified in the Council's 2013 Employment Land Review Update as one of the District's best quality employment sites. Despite this a large majority of the land has remained undeveloped in recent years. The proposal would secure the development of a prominent site, employment opportunities for local people, and inward investment to the District, which would contribute towards building a strong and competitive economy. This would accord with the NPPF, which at paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning process.

It would also constitute sustainable development by providing employment on allocated employment land on the edge of the town, where large vehicle movements can easily access the strategic road network. The floor area of the building would not exceed any of the size limits placed on the outline permission. The maximum quantum of office space was limited to 36,300sq.m, but the amount of office space proposed, in addition to that already granted permission on the wider site, is not exceeded.

Traffic impact / Highway safety

The impact of B1, B2 / B8 development in this location to the surrounding traffic network was considered as part of the outline application. The legal agreement associated with the outline permission required significant junction improvements to the M40/A46 junction and financial contributions towards highway improvements in Warwick town centre, and to provide improved cycle facilities between the site and the town centre, to deal with the quantum of development that was granted. These works have already been carried out and the contributions have been paid, and as the proposed floor space fits within the outline permission, therefore there is no further need to assess the impact on vehicle movements. The outline permission has therefore already made provision to comply with Policy DP7. Whilst the original outline permission was approved some time ago in 1995 the permission has been renewed recently in 2013 and a reassessment of the highway situation was undertaken at that time. This included re-consultation with the Highways Authority who raised no objection to the application.

The parking provision for the development has been increased to 92 spaces, with space shown for turning and access for lorries within the gated service area at the rear of the building. Taking the overall floorspace to be provided the Council's Vehicle parking Standards SPD would normally require 92 spaces for B1 (b)/(c) floorspace. The proposals accord with the SPD requirement and the

Highways Authority have no objection to the proposed access and parking arrangements for the applicant's intended operation of the site.

There is high demand for on-street parking within the area however the proposals meet with the required SPD standard and are not considered to exacerbate this existing situation. It would not be reasonable to expect this development which achieves the District Council's car parking requirements to address car parking issues that may exist within the surrounding area. The Highways Officer has raised no objection to the proposals and on that basis there is not considered to be any reasonable basis on which to refuse to grant planning permission on traffic impact or highway safety grounds. The proposals are therefore considered to comply with the SPD and Policies DP7 & DP8 of the Warwick District Local Plan 1996-2011.

Impact on visual amenity and neighbouring development

The outline approval requires that any development should be carried out in accordance with the principles established in the Tournament Fields Employment Land Development Brief as approved by the Council and dated 15th April 2003. In relation to this current reserved matters application the key criteria which the brief requires are:

- a high standard of building design with harmonious aesthetics yet capable of expressing individual occupier identities.
- the selection of materials suited to the location and constraints.
- a quality landscape scheme enhancing the setting of the buildings and providing buffer screen planting to sensitive boundaries.
- an integrated design for pedestrians and cycle movement around the park.

The concept Masterplan identifies the site for development of up to 3-storeys or 12m high with a focal point provided at the head of the road, adjacent to the roundabout junction.

The development brief states that the majority of the land around the proposed buildings upon each development plot will be given over to car parking, or HGV parking and / or unloading bays in order to satisfy the require level for each facility.

The site is a gateway location and the aim is to achieve a visual appearance for the park which is of high quality, prestigious and co-ordinated. The brief identifies that the consistency of design can be achieved with the use of a relatively restricted colour palette and range of materials used across the park. The vision is that buildings are 'set in' the landscape however opportunity exists to create keynote buildings.

The building is of modern design and will have a similar appearance to those already constructed within Tournament Fields. The building will be clad with grey composite panels with the proposed height of the building being 10m. This is higher than the adjacent Ambulance hub building but is comparable with other existing development in the vicinity.

The site is within a prominent location within Tournament Fields, the size and location of the building though will act as a visual stop to the head of the access road on the approach from the east. The location of the building within the plot

ensures the retention of much of the existing landscaping to the roundabout boundary creating a focal point within this area of the development.

The internal layout of the building has been carefully considered to ensure the offices are located within the eastern end of the proposed building. The offices require windows and these have been included within the more prominent elevations which are treated with silver coloured horizontal cladding panels and floor to ceiling glazing to the ground and first floor offices within the mezzanine. Two-story glazing and a glazed canopy feature is also proposed to the main entrance. These along with a change in cladding materials to the northern elevation aid in breaking up the overall bulk of the building and ensure it has an acceptable appearance in the streetscene.

The site is located within the middle of the Tournament Fields site and will have little impact on existing properties in the surrounding area. There are existing offices to the north of the site and there is potential for some overshadowing / visual impact to occur. However the building is set well back from the northern boundary and there will be a distance in excess of 40m between the buildings. The West Midlands Ambulance Hub is located to the north-west of the site, the proposed building will be at least 34m from the boundary with this property and therefore the overall impact is considered minimal. The building will be visible from the nearest dwellings, though there are significant separation distances between the proposed building and the boundaries to the employment area. The proposed building will also be viewed in the context of the existing office development and in that context is not considered to result in any adverse impact to amenities of nearby residential properties.

The building is considered to be a high quality development that will sit well with and complement the existing development on the park. The proposals retain the key landscaping to the main site frontages and will not detract from the planned appearance of the employment area, or the setting of nearby residential and commercial properties. For these reasons it is considered that the development would meet the aspirations of the development brief and the proposals are therefore considered to comply with Policy DP1 of the Warwick District Local Plan 1996-2011.

Ecological Impact

The existing site consists of poor semi-improved grassland. There are records of protected species in the surrounding area and it is likely that ground nesting birds may be present. The ecologist has recommended that any ground works are supervised by an ecologist to ensure no undue impact to protected species.

As poor semi-improved grassland habitat will be permanently lost and soft landscaping is proposed it is recommended that native species are used and conditions are recommended to ensure this is carried through the landscaping proposals. Considering the records for bats in the surrounding area it is

recommended that any lighting is designed sensitively to minimise the lighting across the site at night and avoids lighting along hedgerows and trees. Lighting around the peripheries should also be kept to a minimum, with low-level wattage and timers. Conditions are recommended to ensure these details are submitted.

Energy efficiency / CO2

The applicants have acknowledged the need to incorporate energy efficiencies within the proposed development in order to achieve the aims of Policies DP12 and DP13 and the Council's Sustainable Buildings SPD. They state that this could be accommodated during the internal design and fit-out of the proposed building. A condition is recommended to ensure this is secured.

Other Matters

The impact on archaeology was considered under the outline permission, as was the impact on flooding and flood risk. Following the completion of flood alleviation works to the Gog Brook the site is now within Flood Zone 1, at low risk of flooding. Surface water and foul drainage details would be required by condition.

Summary/Conclusion

The proposal would provide a high quality development in accordance with the approved development brief for the area, contribute towards economic development and would provide adequate parking and access arrangements and therefore complies with the Policies listed and the NPPF.

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 0302 & 0303, and specification contained therein, submitted on 5th February 2015 and drawing 0301 rev01 and specification contained therein, submitted on the 18th March 2015 and drawings 2079-PL001 Rev A & 0304 submitted on the 19th March 2015. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how

at least 10% of the energy demand of the development and its 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. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

- 4 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the building hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 5 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 adequate parking facilities are provided and retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
- 6 The development hereby permitted shall not commence unless and until two weeks' notice in writing of the start of works has been given to a qualified ecologist appointed by the applicant to supervise all ground work elements of the development within the site. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy DAP3 of the Warwick District Local Plan 1996-

2011.

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Prior to occupation shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority. In discharging this condition the District Planning Authority expects lighting to be restricted around the boundary edges, along hedgerows, around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

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

The agreed scheme to be fully implemented before/during development of the site as appropriate. **REASON:** To ensure appropriate measures are taken in relation to protected species in accordance with Policy DAP3 of Warwick District Local Plan 1996-2011.

Planning Committee: 31 March 2015

Item Number: 16

Application No: N/A

Town/Parish Council: Barford

Case Officer: Alan Mayes
alan.mayes@warwickdc.gov.uk

Registration Date: N/A

Expiry Date: N/A

Wall at Barford House, Wellesbourne Road, Barford

REQUEST TO ISSUE A s.54 NOTICE

RECOMMENDATION

Planning Committee are recommended to approve the issue of a Notice under Section 54 of the Planning (Listed Building and Conservation Area) Act 1990 on the owner of the wall and authorise the Head of Development Services to take all necessary steps to implement the works required to repair the wall and recover the cost from the owner of the land .

THE SITE AND ITS LOCATION

The wall forms the boundary between open grassland and Wellesbourne Road. The wall is situated within the Barford Conservation Area and forms the boundary of the Locally Listed Park and Garden known as Barford House. It also lies adjacent to and within the setting of Barford House, which is a Grade II* listed building. The wall and land historically formed part of the park and garden to Barford House.

The wall is constructed from orange bricks (probably made locally) constructed in the Nineteenth Century with minor changes adjacent to the entrance to Barford House where a lodge cottage was removed, probably in the early Twentieth Century. A small section of wall was rebuilt in the late Twentieth Century following damage. The wall is generally capped with stone capping - some of which are missing.

PLANNING HISTORY

The site bounded by the wall has been the subject of planning applications in 2012 and 2013 for the erection of dwelling houses which would result in the removal of a section of the wall the subject of this application for vehicular access. Both recent applications have been refused and an appeal on the 2102 application was subsequently dismissed. There is currently an appeal to be heard in September 2014 for the 2014 application.

There are other historic applications for dwellings on the site which have been refused

BACKGROUND

The wall adjacent to Barford House, Wellesbourne Road, Barford was the subject of a Planning Inquiry in October 2015 resulting from an application to build houses on land to the east of the wall and secondly to demolish the wall. Both Appeals were dismissed.

The wall is within the curtilage of Barford House which is a Grade II* Listed Building and therefore the wall is protected by that statutory listing.

Prior to the Public Inquiry a Notice under section 48 of the Planning (Listed Buildings and Conservation Area) Act 1990 was served on the owner of the land requiring repairs to be carried out. This was served under powers delegated to the Head of Development Services.

At the time of the Inquiry, the Appellant's agent admitted that the need for works to the wall was urgent and it was therefore considered expedient to serve a Section 54 Notice. This, unlike the section 48 Notice, allows the Council to carry out works urgently required from the preservation of the listed building and reclaim the cost of the works from the owner. There was insufficient time during the Public Inquiry to report to Planning Committee on the issue of the Notice and the carrying out of the works by the Council and so this course of action was approved by the Chief Executive under his emergency powers.

Since then, a copy of the Notice has been served on the agent for the owner along with a request for a meeting to discuss the situation. A meeting has not been forthcoming and Officers' attempts to reach a mutually acceptable agreement with the owner have been unsuccessful. As such, the required work has not been carried out to date.

PROPOSAL

In order to proceed, it is now considered appropriate to ask the Planning Committee to authorise the Head of Development Services to issue a further 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.

A budget estimate was obtained for rebuilding the wall of £70,000, although this figure may increase due to the need for replacement bricks and other conservation implications. In the event that the Council carried out these works a notice can be served by the Council on the owner requiring him to pay for the cost of the works. However, this notice can be appealed on the following grounds:

- a) That all or some of the works were unnecessary for the preservation of the building, or
- b) In the case of works for affording temporary support or shelter, that the temporary arrangements have continued for an unreasonable length of time, or
- c) That the amount specified in the notice is unreasonable
- d) That the recovery of that amount would cause hardship

Any appeal would be determined by the Secretary of State and so there is a risk, particularly on ground (d), that the Council would never recover all of its costs incurred in carrying out the works.