

Planning Committee Wednesday 9 November 2022

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Wednesday 9 November 2022, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

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

Councillor R Dickson
Councillor B Gifford
Councillor O Jacques
Councillor J Kennedy
Councillor R Margrave

Councillor N Murphy
Councillor M Noone
Councillor D Norris
Councillor C Quinney
Councillor N Tangri

Emergency Procedure

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

Agenda Part A – General

1. Apologies & Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

Part B – Planning Applications

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

4. **W/19/1133 – Land at Ward Hill, Warwick Road, Littleworth, Norton Lindsey
Major Application (Pages 1 to 23)**
5. **W/21/1811 – Land on the East Side of Glasshouse Lane, Kenilworth
Major Application (Pages 1 to 17)**
6. **W/21/1790 – Green Acres, 34 Bridge Street, Barford (Pages 1 to 5)**
7. **W/22/1429 – 40 High View Road, Cubbington, Royal Leamington Spa
(Pages 1 to 3)**
8. **W/22/1521 – 1 St Chads Cottage, Old Warwick Road, Lapworth
(Pages 1 to 3)**
9. **W/22/1022 – 17 Vicarage Road, Lillington, Royal Leamington Spa
(Pages 1 to 7)**

Please note:

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

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

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

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

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

Application No: [W 19 / 1133](#)

Town/Parish Council: Norton Lindsey
Case Officer: Dan Charles

Registration Date: 20/06/19
Expiry Date: 19/09/19

01926 456527 dan.charles@warwickdc.gov.uk

**Land at Ward Hill, Warwick Road, Littleworth, Norton Lindsey, Warwick,
CV35 8JD**

Hybrid planning application consisting of:
Full planning application for the erection of two replacement poultry houses for
poultry rearing (pullets) and the repositioning of existing access;
Outline planning application for the erection of a farm manager's dwelling. FOR
Mr A Audhali

RECOMMENDATION

It is recommended that planning permission is REFUSED for the reason set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposal seeks the demolition of the existing poultry houses and the erection of two new poultry houses. In terms of footprint, each poultry house is proposed to be 60m x 12.14m providing a gross floor area of 728.4 sq metres per building giving an overall footprint of 1,456.8 sq metres. In comparison, the existing buildings measured 67.3 metres long x 11.1 metres wide (West building) and 64.2 metres long x 11 metres wide (East building) giving a total footprint of 1453 sq metres for the two buildings.

Each building has an eaves height of 2.5m and a proposed ridge height of 4.7m compared to the overall height of the existing buildings of 3.7 metres ridge height (West building) and 2.5 metres ridge height (East building). Each building has a total of 10 vent towers extending to an overall height of 6.5 metres.

The proposed buildings are to be constructed of a low brick riser wall with chevron timber cladding walls under a corrugated metal sheet roof. The buildings each have double doors at each gable end of the building together with two personnel doors on the front (north) elevation.

The proposal also includes the provision of an on-site worker's dwelling. Whilst only in outline form the plans indicate a single storey property with a gross floorspace of 77 sq metres.

The application also includes the creation of a new vehicular access and on-site parking and turning space together with all ancillary works.

THE SITE AND ITS LOCATION

The application site lies to the North East of the village of Norton Lindsey and is situated within the West Midlands Green Belt.

The site currently contains the remnants of 2 dis-used poultry houses of low-profile timber construction.

The site is flanked on three sides by agricultural fields. To the west the boundary is shared with a single dwelling. The dwellinghouse is set away from the site boundary.

The site is predominantly flat with the land gently rising to the rear in a southerly direction. The site has a variety of trees and hedging to the roadside boundary, but the remaining side and rear boundaries are undefined with features, although there is a marked change in the character of the land at the boundary.

The site has an existing lawful use for agricultural purposes which notwithstanding an extended period of vacancy continues to subsist. Planning permission is not therefore required for the continuing use of the site for agricultural purposes.

PLANNING HISTORY

W/17/2372 - Demolition of 2no. chicken sheds and the proposed residential development of 2no. single storey dwellings with a new footpath link to the village – **Refused 01.03.2018.**

W/16/1970 - Demolition of 2no. chicken sheds and erection of 9no. dwellings – **Refused and appeal dismissed 12.09.2017.**

W/08/0146 - Erection of two replacement poultry sheds and relocation of vehicular access and erection of farm manager's dwelling – **Refused and appeal dismissed 24.05.2010**

W/08/0145 - Erection of farm manager's dwelling - **Refused and appeal dismissed 24.05.2010**

W/07/1931 - Erection of replacement poultry sheds & relocation of vehicular access – **Withdrawn 08.01.2008**

W/07/1930 - Erection of farm manager's dwelling – **Withdrawn 08.01.2008**

W/05/1755 - Erection of dwelling for poultry farm manager and erection of 2 replacement poultry sheds – **Refused and appeal dismissed 04.04.2007**

W/05/1754 - Erection of 2 replacement poultry sheds - **Refused and appeal dismissed 04.04.2007**

W/04/1049 - Erection of a replacement poultry shed – **Refused 20.10.2004**

The history of the site includes 2 earlier applications for the erection of replacement poultry sheds. In 2005, the application reference W/05/1754 was refused and the appeal dismissed on the grounds that the proposed sheds would result in material harm to the landscape and further harm to the living conditions of local residents, in particular, the dwelling to the immediate west of the site that, in the Inspectors judgement, would not be outweighed by the benefits of the proposal in promoting agriculture and none of the suggested conditions would overcome the identified harm.

Following this application, application reference W/08/0146 was refused on the grounds of the impact on the rural character and appearance of the area, impact on the amenity of neighbours as a result of odour emissions and the adequacy of surface water drainage proposals. This application was dismissed at appeal with the Inspector upholding the first two reasons for refusal but was satisfied that adequate drainage could be secured by condition.

In both appeals, the Inspectors were clear that the development was for an agricultural use and therefore, the replacement chicken sheds are classified as appropriate development within the Green Belt.

The associated worker's dwelling was dismissed on appeal on the basis that the Inspector dismissed the appeals for the poultry houses and therefore, no dwelling was justified.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS1 - Supporting Prosperity
- DS5 - Presumption in Favour of Sustainable Development
- DS18 - Green Belt
- PC0 - Prosperous Communities
- H1 - Directing New Housing
- EC1 - Directing New Employment Development
- EC2 - Farm Diversification
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities
- CC1 - Planning for Climate Change Adaptation
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources

- Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Norton Lindsey Parish Council: Objection on the following grounds;

- Environmental Impact - odour during day to day operations and cleaning, dust in the atmosphere, increased vermin, noise from ventilation fans etc. Not convinced by the methodology and findings of the odour report that suggests minimal impact on houses.
- Negative effect on highway safety - increased heavy traffic movement and poor visibility on Warwick Road. Not clear in proposal how vehicles will access site.
- No details of feed storage hoppers.
- Inconsistencies on plans regarding closure of existing access.
- Concern about manager's bungalow and how it will operate. Is the manager always expected to be on duty? How will the site operate when the manager is away? Regular visits would surely suffice?
- Openness of the Green Belt will be affected. Not satisfied that the exceptions exist for this development.
- If granted, recommend occupancy condition and removal of permitted development rights.

Additional comments received

- Grave concerns over the environmental impact of the site from odour, dust, increased vermin, noise from ventilation fans and particularly bio-aerosols.
- Lack of adequate water management plans.
- Negative effect on highway safety from increased lorry movements.
- No clear case for on-site worker.
- Do not consider proposal represents sustainable development.
- Any change from pullets (to broilers etc) could result in further issues.
- Application remains unchanged from previous refusals.
- Existing buildings have been redundant for 20 years so application should be viewed as a new and inappropriate new development.

Councillor Jan Matecki: Objects to the scheme;

- Fully agree with the comments made by local residents, the Parish Council and the local MP, Matt Western.
- Application has been heard several times previously under one guise or another, and been rejected on every occasion. I particularly draw your attention to 2 previous applications, W/05/1754 and W/08/0146 which were heard in 2007 and 2010 respectively which were rejected by the WDC and the decisions were upheld by different Inspectors, appointed by the Secretary of State to review the appeals made in both of these applications.
- The fundamental reasons for rejecting the applications, and subsequently verified by the Inspectors after appeal, are still valid, if not more so, today.

- In application W/08/0146 the poultry sheds had a size of 48m long, 12m wide and 4.5m high. The Inspector found that sheds of this size would have an "unacceptable impact on the area's character and appearance". This new application has sheds even longer, wider and taller and so will have an even more drastic effect on the character and appearance of the area.
- In both of the previous applications, the overriding factors were the development criteria in the Green Belt and not due to health reasons. The Inspector's report in the 2007 review also pointed to the fact that there were old disused poultry sheds on the site, but dismissed their relevance due to their state and so reviewed the application as if it were a new application.
- The existing sheds in the reports are now in an even worse state than 13 years ago and so their relevance, if any, is even more diminished today. Moving the buildings around on the plot does not alter the fundamental principles of development on Green Belt land.
- This application, as it has done previously, fails to mitigate any circumstances under NPPF policies which would allow it to succeed. As the Inspectors in their reports said at the time, which still holds true today, there are no exceptional circumstances to this application to justify the approval of this application
- Heavy goods vehicles (HGVs) cannot turn around on site and will require the HGVs to either reverse in or out into the road contrary to Policy TR1
- Policy NE5, which requires any development to "not give rise to soil contamination or air, noise, radiation, light or water pollution where the level of discharge, emissions or contamination could cause harm to sensitive receptors". Air and water pollutants, together with noise pollution can not be eradicated by the current proposals.
- Since the last similar application was heard in 2010, a lot more is now known about the detrimental effect on public health created by bio-aerosols. The moving of the worker's dwelling to the west side of the site still does not satisfy the need, as reported by many authorities around the world, that poultry sheds should be at least 150m away from residential properties. One property lies within 50m of the nearest proposed shed, and numerous more within 150m so the 150m threshold cannot be achieved.
- Reference in the Bio-Aerosol report makes reference to broilers and not pullets, which would have a greater turnover leading to increased potential harm.
- Suspect that the site would very quickly turn from pullet to broiler production in order to recover the investments made. This would greatly affect the air quality on a much more regular basis than minimalistic suggestion of the applicant.

In summary, together with the new found hazards of bio-aerosols which have been identified as a risk to public health, by commentators and confirmed by the WDC Environmental Health team after consultation with Public Health England, this application does not meet any of the Green Belt development requirements of the District's Local Plan or the NPPF to enable it to be approved. It is not sustainable and would create a safety hazard to the many other road users, including car drivers, pedestrians and horse riders.

Further comments received

- As confirmed by two previous Appeal Inspector's reports, due to the abandoned and derelict state of the land, any previous use of the land bears no relevance to this application and should not be used in the forming of any opinion on the suitability of the application.
- Any permitted agricultural use on Green Belt land must be sustainable. Although the applicant has another poultry breeding business, located near Hatton, it is for the rearing and slaughter of broilers. Pullets do not fit in with the current business model of the applicant, and therefore the sustainability of such an enterprise must be judged independently. I suggest that the applicant states that he intends to rear pullets only in order to limit the damaging reports that bio-aerosols will have on the neighbouring properties.
- A report that was conducted by the Ohio Department of Health, USA states that residents located within half a mile of a poultry farm had 83 times the insect infestation compared to properties that were not located near to a poultry farm. A half mile radius from the application site will take in nearly the whole of Norton Lindsey Village which lies within the WDC boundary. With the increased insect infestation come all the other unsavoury inflictions associated with insects such as flies. The health and wellbeing of the residents of the village must be paramount.
- With regards to the agricultural dwelling, no grounds for a workers dwelling on the site and nothing has changed in the last 10 years which would warrant a workers dwelling on site. Applicant has another, and much larger, poultry business only 5 miles away - so the site can be monitored and accessed within a 10 minutes drive of the existing business, further negating the need for a stand alone dwelling on site.
- This application should be refused at the earliest opportunity in order to enable the local residents to get on with their lives, in the peace and clean environment that attracted them to the village in the first place.
- Reports submitted on behalf of applicant are biased towards the applicant.
- Restriction on cleaning of sheds at weekends is not practicable.
- Restriction on cleaning of sheds when winds are easterly or north-easterly is not feasible.
- Sniff Testing as recommended is difficult to control or enforce.
- Cost implications of appropriate mitigation are for the applicant to determine if a venture is worthwhile.
- Ricardo recommendations should be adhered to in full.

Further Comments received

Following receipt of further information relating to vehicle sizes and movements, continue to object on the basis that the information shown is not accurate and would not meet the needs of the business operating from the site. Therefore, the accuracy of the information on which WCC Highways have previously raised a comment on no objection on is considered to be inaccurate.

WDC Environmental Health: Following discussions with the applicant's consultants and clarification of details, raise no objection, subject to conditions to control use of site. Following the receipt of Odour and Bio-Aerosol Assessments,

the scheme has been reviewed by an independent specialist who, following clarification on some elements, raises no objection to the proposal. This has been reviewed by the EHO who raises no objection subject to conditions.

WDC Tree Officer: Landscape and Visual Assessment is thorough but application lacks detail on mechanisms to protect roadside hedge. Recommend tree protection plan.

WCC Highways: Whilst an earlier comment was one of no objection subject to conditions, it is noted that a swept path analysis that was submitted previously does not correspond with the vehicles illustrated within the Statement in that the axle spacings and hence turning abilities of the vehicles differ. In order therefore to fully assess the proposal, the Highway Authority will require confirmation from the feed suppliers of their vehicle and also details of the bird collection company in order to establish exactly which vehicles will need to access the site. Once this has been conformed, further swept path analysis of these vehicles will need to be provided.

The applicant's agent responded on 3rd October to the above comments, but offered no new information, therefore, it remains that the Highway Authority cannot be sure that the proposal accords with Paragraph 111 of the revised NPPF (July 2021), in that a safe access has not been satisfactorily demonstrated. Our response therefore remains one of objection.

WCC Ecology: Recommended Ecological Appraisal has been submitted and satisfied with results. Recommend conditions to protect protected species.

WCC Landscape: May require removal of trees. Tree/hedgerow protection will be required. If new planting is proposed, needs to be maintained.

Natural England: Based on the information provided within the Ammonia report, Natural England considers that the proposed development is unlikely to damage or destroy the interest features for which the Sherbourne Meadows Site of Special Scientific Interest (SSSI), Railway Meadow, Langley SSSI and Snitterfield & Bearley Bushes SSSI have been notified and has no objection.

Public Health England: Would not normally comment on this application as it is below the threshold to be considered an intensive poultry farm. We understand there are nearby residential receptors, with one located within 40metres of the proposed poultry farm application site.

With poultry farming, the main emissions of public health significance are emissions to air of bioaerosols, dust including particulate matter and ammonia. It should be noted that available health evidence is associated with larger, intensive farming practices, and for poultry this would be for farms with 40,000 poultry rearing places or more.

The applicant has considered potential emissions from the site, including particulate matter, dust and odour. Their modelling assessment of these potential

emissions has found that the impact of the proposed site is low and adverse effects are unlikely at residential properties. The methodology used appears appropriate.

We would ask the planning authority to consider applying suitable conditions to ensure mitigation measures are in place to control and minimise particulate matter and dust emissions from the site. It is proposed that monitoring/visual inspections of the site will be undertaken, with action taken should odours, litter, dust be detected above set thresholds. Any dust complaints should be investigated by the site and control measures put in place.

Manure spreading: to avoid the potential for off-site odour impacts, the locations for manure spreading on land should be considered to avoid a potential source of nuisance and annoyance in the community.

Any Odour Management Plan (OMP) should indicate that regular olfactory monitoring locations will be agreed as part of the site's planning application, and be at locations around the site boundary and at the nearest residential properties. PHE supports that any OMP proposes regular meetings in the community to review performance and address any issues raised.

The response outlined in this representation is based on the assumption that the applicant shall take appropriate measures to prevent or control pollution, in accordance with industry guidance and best practice.

Public Response: 106 letters of objection have been received on the following grounds:

- Site is abandoned.
- No benefit to community.
- Have not overcome previous reasons for refusal.
- More akin to an industrial use than agricultural.
- Green Belt means dwelling should not be allowed.
- Can operate without manager on site.
- Unsuitable location for poultry business.
- Lack of animal welfare and cruel to animals.
- Less demand for meat products.
- Modern technology means that dwelling on site is not necessary.
- Not a viable unit at this scale.
- Harm to highway safety from lorries servicing the site.
- New access is in a worse position than the existing.
- Use of site will result in harm to pedestrians, cyclists and horse riders due to increased traffic.
- Adverse impact on the openness of the Green Belt.
- Will detract from the quality of the landscape.
- Harmful to biodiversity.
- Harm to bat species that use the site.
- Will result in light pollution.
- Environmental reports are inadequate.
- Previous operation of site caused odour nuisance.
- Odour report is based on a computer model.

- Odour will be an issue despite reports.
- Increased vermin and flies causing harm to amenity of area.
- Will be a significant noise disturbance.
- Inadequate drainage measures on site.
- Potential contamination of water courses.
- Water treatment details are inadequate.
- Potential for spread of airborne bacteria.
- Will result in dust disturbance.
- Hazardous to health of local residents.
- Will have negative impact on residential properties.
- Harmful impact on residential amenity.
- Contrary to EA Advice on emissions.
- Not satisfied that the submitted Bio-Aerosol Assessment is robust.
- Intensive chicken farming results in increased levels of disease posing a direct threat to the local community.
- The increase in ammonia emissions negatively influences environmental and public health, and is also a major contributor to climate change.
- Applicant has failed to provide robust and objective, independent evidence on the potential for adverse odour impact.
- The data that has been provided to support and substantiate this proposal is flawed: out of date, geographically incorrect and fundamentally ignorant to the largest risk of impact on residents.
- No mention of the inevitable on-site operation of an incinerator.
- The health effects on vulnerable individuals (frail/elderly/sick) should form the sole basis for the exposure risk classification. It is of no relevance whether a "robust individual" might be able to cope with the projected Bioaerosol exposure. The affected residential properties are home to people of all ages and levels of frailty.
- The proposal does not indicate where the spent litter would be taken. "Spent litter would be taken off-site" could also mean the field next door.
- In order for the Planning Committee to make an informed decision on the impact of the proposals, they must visit a similar site to the one proposed, so that they can experience the bio-aerosol health issues (& associated odours) for themselves.
- The hazard of bio-aerosols are a 'risk to health, as confirmed by WDC's Environmental Health Team in consultation with Public Health England.
- Odour and bio-aerosol contaminants will collect in the area and will not be dispersed by wind.
- We will suffer significant, unpleasant odour, vermin and noise from the ventilation fans, particularly at times when the sheds are cleaned.
- There are inadequate plans for the containment and management of foul water on the site.
- Animals and wildlife including deer, will be threatened.
- The dangers of salmonella, clostridium perfringens and other diseases spreading onto our land and infecting our animals is significant.
- The site has not been used for poultry farming for over 20 years. No investment has been made into the facility. Indeed, it meets the criteria for 'abandonment'.
- In the intervening period the nature of the village and surrounding area has changed.

- Not more than a few years ago, the owner applied for permission to build houses on the site.
- There is no clear case for on-site accommodation for a manager:
- The volume of poultry, coupled with modern communications means there is no need for on-site accommodation for a manager.
- The owner previously sold the original Manager's house as a domestic residence as it was not required.
- Development should result in a Biodiversity Net Gain.

ASSESSMENT

Procedural Note

The application was referred to Committee on 22 June 2022 where following the debate, the application was deferred to seek further input and clarification on matters relating to access and Highway Safety. In the intervening period, the application has been reviewed by Warwickshire County Highways and the application is therefore being presented to Members following this consultation in light of a revised recommendation based upon the outcome of these discussions.

History/Background

The application site has been the subject of multiple applications for replacement chicken shed buildings. The latest application from 2008 was dismissed at appeal for the following reasons: -

- Impact on the character of the area.
- Issues relating to control of odour.

The associated worker's dwelling was dismissed on appeal on the basis that the Inspector dismissed the appeals for the poultry houses and therefore, no dwelling was justified.

In all appeals, it was clearly acknowledged and agreed by all parties that the development constitutes agriculture.

Since these appeals were determined, the National Planning Policy Framework has been introduced which gives guidance on development within the Green Belt. The introduction of the NPPF set out a framework for new agricultural development together with guidance on the impact on the Green Belt which is discussed in further detail below.

Principle of Development

The Use of Land

The use of the land falls within the definition of agriculture and whilst the existing buildings are not capable of operating for their intended purpose, the subsisting use of the site remains as agricultural. The default position for any land is

agriculture and this use of land cannot expire or be abandoned unless an alternative use of the site is in place.

Agricultural Buildings

The proposed buildings would be 60m x 12.14m with a ridge height of 4.79m. Each building has a gross floor space of 728.4 square metres giving a combined overall floorspace of 1456.8 sq metres.

There is no specific policy within the Local Plan that relates to new agricultural development. As the Local Plan is silent, the proposal must be assessed against the guidance contained within the NPPF. Paragraph 83 of the NPPF supports the development and diversification of agricultural and other land-based rural businesses. It is acknowledged that the buildings are considered to fall within the definition of agriculture and these buildings would replace the existing buildings on the site for new buildings within the same use. The buildings represent a minor increase in overall floorspace of less than 5 square metres compared to the previous buildings on site, but the height has increased compared to the existing to meet modern agricultural standards. The height increase equates to an overall ridge height of 1 metre.

Officers are therefore satisfied that the principle of new buildings on this site is acceptable.

Worker's Dwelling

Policy H12 refers to new dwellings for rural workers. This policy sets out a range of criteria that must be met in order for a dwelling to be located in a rural area as an exception to Policy H1 that seeks to ensure that new dwellings are located in sustainable areas.

Paragraph 79 of the NPPF also affords exceptions for rural housing where it is demonstrated that there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

Local Plan Policy H12 sets out 5 tests that must be met in order to be considered acceptable in principle;

- a) there is a clear functional need for the person to be readily available on the site at most times;
- b) the worker is fully or primarily employed on the site to which the proposal relates;
- c) the business is financially sound and has a clear prospect of remaining so;
- d) the dwelling sought is of an appropriate size commensurate with the established functional requirement; and
- e) the need cannot be met by an existing dwelling on the unit, or by other existing accommodation in the area.

In order to carry out the assessment of the submitted business plan, the proposal has been considered by a specialist rural consultant instructed by the Local Planning Authority to carry out an independent assessment of the submitted documentation.

The consultant has assessed the proposal against the policy requirements of H12. In response, it has been concluded that;

In response to criterion a), there would be an essential need for a worker to be readily available at most times as the needs of the business would require close monitoring and a rapid response to ensure that any issues that arise are dealt with swiftly to avoid harm to the birds. The infant birds will arrive as day olds and will need to be kept under heat in broiler rings with heated lamps, for the first week or thereabouts and any faults with these systems needs to be urgently repaired. In addition, where birds are reliant upon mechanical ventilation, any failures need to be addressed rapidly to prevent heat and ammonia build up within the building. Breakdowns in heating systems, feed chain, drinking supplies etc. all require swift action.

Whilst many of these systems will be alarmed, there is still a requirement for swift action should any of the alarmed elements fail. This can only be reasonably dealt with by an on-site presence.

In response to criterion b), the standard person hours for the operation of the site would be equivalent to a full time worker based upon the assessment by the specialist agricultural consultant.

In response to Criterion c), it is acknowledged that this development is to work in conjunction with the applicants existing chicken businesses. These businesses are well established and financially sound and this business would be in addition to the existing sites which have operated on a sound financial basis for many years. The consultant is satisfied that the expansion of the business has been planned on a sound financial basis and as an addition to the existing successful businesses operated by the applicant, has a clear prospect of remaining so.

In response to criterion d), it is noted that the dwelling proposed is sought on an outline basis at this stage. The guidance on rural worker's dwellings requires a dwelling to be commensurate with the needs of the unit for the worker and their family. As a general rule, a dwelling of up to 140 square metres is considered commensurate with the needs of the unit and provides adequate accommodation in a price bracket considered to be generally affordable on a rural worker's wage. The proposed dwelling is identified as a bungalow and is noted as having a floor area of 77 sq. metres which falls well within the accepted threshold as appropriate for a rural worker.

The proposed development is to increase the capacity of the applicants existing business by replacing the existing buildings and reintroducing the poultry use of the site. The proposal for this site is the rearing of pullets for the egg production industry. The site will rear the birds from chicks to close-to-lay birds at which point they will be transferred off-site to a specialist egg-production location. This

would be in 18 week cycles with a period of 4 weeks between batches to allow for specialist cleaning to be carried out between batches. The two buildings would have a combined capacity of 20,478 birds per cycle and there would be on average 2.3 batches per year.

In response to criterion e), there are no other dwellings within a functional distance to meet the needs of the business on site that would be financially viable for an on-site worker. It is also noted that the general price of properties within the local area would be significantly in excess of a price that would be affordable for an agricultural worker.

Following concern from third parties that the business was in decline and due to the length of time that had passed since the original assessment, Officers sought further advice from the consultants. In response to the concern from residents, further financial information was provided by the applicants to demonstrate that the business was still fully operational and viable.

The Consultant reviewed the information provided and re-visited the original submission. Due to the nature of the business, the Consultant is satisfied that the functional need remains. To fully appreciate whether the scheme would be financially sustainable would require an updated business plan together with supporting information. However, it is noted that the scheme would remain as originally proposed, the delays experienced have been down to technical environmental and highways matters only and not in relation to the operation of the business.

It is noted that the proposal for operation has not changed over the application period and taking this into consideration, Officers are satisfied that the development meets all of the criteria as set out in Policy H12 and is therefore acceptable in principle. It is also noted that the dwelling would be conditioned to not be occupied until the poultry sheds are complete and operational.

Conclusion on Principle of Development

The replacement agricultural buildings are considered to be acceptable having regard to national guidance contained within Paragraph 83 of the NPPF.

The business plan and supporting information has been assessed and the consultant is satisfied that the proposed development is acceptable and has been planned on a sound financial basis. The enterprise would require the presence of an on-site worker.

Subject to conditions to restrict the occupancy of the dwelling, the proposal is considered acceptable in principle having regard to Policy H12 of the Local Plan and guidance contained within Paragraphs 79 and 83 of the NPPF.

Whether the proposal constitutes appropriate development in the Green Belt

As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. Paragraph 145 states that new buildings for agriculture are appropriate development within the Green Belt. Officers are satisfied that the development has been designed specifically for agricultural purposes and therefore, the buildings are considered appropriate development within the Green Belt.

The provision of a new dwelling within the Green Belt is considered inappropriate development within the Green Belt where located outside of a settlement boundary. As this aspect of the proposal does not fall within any of the categories of appropriate development within the Green Belt, the starting point is that it is considered to be inappropriate development within the Green Belt by definition. In these circumstances, Paragraph 143 of the NPPF states that development should not be approved except in very special circumstances.

In terms of very special circumstances, the proposal is for a rural worker where the need for the dwelling has been satisfactorily justified as being essential. Conditions are proposed which will tie the building to occupation for an on-site worker only to ensure that the dwelling is occupied in a manner which meets the very special circumstances set out.

On the basis of the above, Officers are satisfied that in addition to the 2 proposed poultry houses comprising appropriate development in the Green Belt (by reason of their design and use for agriculture), the proposed agricultural workers dwelling is acceptable in Green Belt terms because its essential nature in connection with the use of the site is considered to represent very special circumstances which are sufficient to outweigh the harm to the Green Belt by reason of inappropriateness.

Design and impact on visual amenity and the character of surrounding area

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Policy BE1 of the Local Plan reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

Officers note the appeal decisions on the earlier applications and also that the latest of these is in excess of 10 years ago. The Policy Framework at both local and national level has evolved since this time and the assessment of this

application takes into account the earlier decisions whilst also assessing against the current legislative framework.

At the time of the 2007 appeal decision, the site was designated as falling within a Special Landscape Area. This designation formed part of the Inspectors reasoning when dismissing the appeal in respect of the harm to the area and the Special Landscape Area. It is noted that the Special Landscape Area designation was not included within the new 2011-2029 Local Plan and therefore that the circumstances and weight to be given to such considerations changed at that point.

In the 2008 decision, the Inspector opined that the buildings would have a harmful effect on the area's rural character and appearance and would detract unacceptably from the quality of the landscape and the openness of the countryside.

The proposed agricultural buildings are designed for the specific purpose of poultry rearing and as such, are utilitarian in design. The buildings are low-profile with a modest ridge height of 4.79 metres to the ridge. In terms of scale, the new buildings are similar in proportion to the existing buildings on site that measure 66m x 10m approximately with a similar ridge height. The proposal also includes a bulk feed store to each building that extends to approximately 6 metres in height together with flues on the buildings that extend to an overall height of 6.5 metres.

The existing buildings on site are in a poor state of repair and have predominantly now collapsed. In both appeal cases, it was accepted by all parties that the buildings were not capable of re-use and would not have been economical viable to repair in order to meet the up to date standards for poultry buildings. Since that time, the buildings have degraded further and could not be re-used due to their derelict nature.

The new buildings are proposed to be purpose built poultry houses designed to deliver the appropriate standards of welfare. The external appearance of the buildings will be timber cladding over a brick riser with a corrugated metal sheet roof containing a number of ridge vents.

The appearance of the buildings will be of a modern agricultural structure compared to the existing, somewhat dilapidated structures.

Planting is proposed to the boundaries to reinforce the current planting to soften the boundaries of the site to reduce the visibility of the site. The southern boundary of the site will be conditioned to provide a significantly improved planting belt to mitigate the increased visual impact of the buildings.

The bulk feed silos will be taller than the main buildings but of significantly smaller massing. The silos are a typical rural feature in an agricultural landscape and would not represent an incongruous feature in this location.

Overall, taking into consideration the history of the site and the considerations put forward by the earlier Inspectors, Officers note that the NPPF puts significantly more weight into the economy and supporting a prosperous rural economy as set

out in Paragraph 83 that supports the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

Furthermore, Paragraph 84 states that in recognising the use of sites, that the use of previously developed land and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

The development will bring a redundant and visually poor site back into the previously established use with new, modern buildings that Officers accept are utilitarian in design by nature of their proposed use. It is therefore proposed to mitigate the visual appearance through appropriate landscaping to offset the appearance of the buildings.

The application was submitted with a Landscape and Visual Impact Assessment that the key areas where visual harm was identified were capable of being mitigated through a robust and appropriate landscaping scheme.

The NPPF has a presumption in favour of sustainable development and Officers consider that taking these factors into consideration and weighed against the earlier, pre-NPPF appeal decisions, on balance, the scheme is considered to be acceptable in visual terms subject to appropriate conditions on landscaping and external materials.

The proposed dwelling, whilst in outline form is identified as being a modest, single storey property of approximately 77 square metres. In addition the land associated with the property is also of limited size and proportionate to the size of the unit.

Officers are satisfied that the proposal complies with Policy BE1 of the current Local Plan.

Impact on adjacent properties

Officers note that the earlier schemes were dismissed at appeal due to the potential for odour impact affecting neighbouring properties, in particular, the property to the immediate west of the site. This application has been submitted with supporting reports provided by qualified consultants to seek to address these concerns.

During the course of the application, further potential amenity issues were identified such as the potential impact of Bio-Aerosols. The applicants thereafter instructed appropriately qualified consultants to carry out the required assessments.

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

The proposal has a number of aspects that must be assessed in terms of the impact on adjacent properties including the impact from the built form of the development and the potential environmental harm arising from:-

- Bio-Aerosol Impact.
- Noise Impact.
- Odour Impact.
- Dust Impact.

In addition to the assessment from the Council Environmental Health Officer, the District Council also commissioned an external specialist to carry out a full review of all submitted information relating to environmental issues associated with the application. All documentation was reviewed by the specialist and a detailed response was provided to the Environmental Health Officer for consideration of the scheme.

Built Form.

The key property affected by this element is the property that lies adjacent to the site on the western side, known as Ashward House.

The replacement buildings propose structures of a similar scale to the existing structure on the site. However, the key difference is during the course of the application, the site layout was amended to "swap over" the proposed workers dwelling and the chicken shed buildings which will result in an increased separation distance between the dwelling and the chicken sheds compared with the existing position on the site.

It is noted that the adjacent dwelling itself is located on its own western boundary and there is an intervening garage to the eastern side of the plot. The site is also separated from the application site by mature hedge and trees boundary.

Taking into consideration the revised proposed site layout, Officers are satisfied that in terms of built form, the development would not result in any demonstrable harm.

Bio-Aerosol Impact

The issue of Bio-Aerosols was raised prior to an earlier committee date and it was not an issue that had been previously considered.

Bioaerosols are a subcategory of particles released from terrestrial and marine ecosystems into the atmosphere. They can consist of both living and non-living components, such as fungi, pollen, bacteria and viruses.

Following discussions with the Environmental Protection Officer (EPO) who had sought advice from Public Health England, it was recommended that a Bio-Aerosol Risk Assessment should be completed. In response to this, the applicants commissioned a Bio-Aerosol Risk Assessment. This was assessed by the EPO together with specialist advice from an Independent Consultant instructed by the

EPO. Following the assessment, a number of additional requirements were incorporated to ensure that the Risk Assessment was fully robust.

In assessing the submitted documents, the consultants advised that the risk assessment of bioaerosol emissions from pullet rearing identifies moderate risks at nearby receptors and recommended mitigation measures to be incorporated into a management plan including the submission of monitoring reports. The consultant's report recommended that monitoring of bioaerosol emissions from the vents is carried out within four weeks of the first flock reaching maturity, and annually thereafter.

In addition, it was recommended that the monitoring report should be accompanied by an update to the risk assessment in the light of the measured bioaerosol emissions. The updated risk assessment should include modelling of bioaerosol emissions to evaluate potential risks at nearby properties, and confirmation of additional effective mitigation if the need for such mitigation is identified.

In concluding on the matter of Bio-Aerosols, the Consultant was satisfied that risks to nearby receptor sites have been assessed following robust methods and suitable mitigation actions have been suggested following best practice guidance.

Noise Impact.

The submitted noise assessment report prepared by InAcoustics (Ref. 19-226) which considers various noise scenarios arising from the proposed development and the potential noise impacts on the nearby Ashward House has been assessed by the Environmental Health Officer (EHO).

The noise report has considered the impacts under routine operation, delivery and export activities, as well as mucking out activities. The noise report has concluded that the proposed development would have a low noise impact on nearby residential dwellings.

Overall the EHO is satisfied with the noise assessment report submitted but as above has recommended that noise control measures are included in a wider management plan for the site to ensure that all environmental matters are considered in a single management document which its implementation can be secured by a planning condition.

Odour Impact.

In the appeal decisions, the proposed use of the chicken sheds for both appeals was for a capacity of 39,000 birds in 2005 and 44,000 birds in 2008. The 2008 figure was subsequently reduced to 39,000 birds.

In terms of odour impact, the Inspectors conclusion summary clearly states that *"in the absence of further information, the possibility of unpleasant odours adds further weight to my concerns."*

The submitted odour assessment is based upon the specific use of the site for pullet rearing. The EHO has considered the document and raised no objection to this subject to a condition restricting the site to this use only to prevent the change to a potentially more odorous form of agricultural at the site which has not been assessed.

The odour assessment and addendum odour assessment were assessed by the specialist and considered to be detailed, following good modelling practices and using conservative odour emission rates and odour concentration benchmarks. Following some minor clarifications, the specialist concluded that there are negligible impacts at the identified sensitive locations.

There was some concern regarding the potential impacts from the short-term activities around the cleaning out of the spent litter from the house at the end of the cycle. However, the specialist was satisfied that this can be managed through suitably worded planning conditions to secure a final Odour Management Plan.

The Odour Management plan submitted with the supporting documentation provides a well detailed qualitative assessment and presents a number of suitable mitigation measures following best practice. The specialist recommended that the presented measures and some additional actions should be secured via suitably worded planning conditions to ensure that odour risk associated with the house clean-out is minimised as far as possible.

As stated in the earlier sections, the proposal is recommended to be included with a management plan that sets out the methodology for operating the site.

Dust Impact.

In response to a query from the Environmental Health Officer, a dust assessment report was prepared. The report submitted assesses both the air quality and nuisance impacts of the proposed poultry shed units. Following the clarification of some details, the Environmental Health Officer is satisfied that the proposal is acceptable subject to a detailed management plan to cover the control of dust is submitted to the Local Planning Authority for assessment and agreement and thereafter the development shall be carried out in accordance with the approved details.

The second part of the dust assessment report considers the potential for dust nuisance to occur at nearby sensitive residential dwellings. The report concludes that there is a negligible risk to sensitive receptors based on good management practices being employed. As set out above, the Environmental Health Officer has suggested that the odour management can be secured and implemented through an appropriately worded Management Plan planning condition.

The EHO has advised that any management plan submitted shall be submitted in accordance with the requirements of the Environment Agency Sector Guidance Note EPR 6.09 Version 1 (March 2011) that contains recommended best practice for dust management at poultry installations.

Management Plan

In order to secure the required measures as set out within the sections above, it is recommended that an operational management plan be secured by condition to demonstrate that all measures will be satisfactorily managed during the operation of the site.

Thereafter, the operation of the site shall be required to be strictly in accordance with the Management Plan and correctly implemented in the operation of the poultry houses, the risks to human receptors in relation to health, nuisance and residential amenity are considered likely to be negligible.

Other Matters

Within the received objection letters, a query relating to how the scheme has been assessed against ensuring those with emotional or physical disabilities have not been placed at a 'significant disadvantage' by public organisations - in provision of services or decision making.

Having discussed this with the EPO and the Council Solicitor, additional information was requested from the correspondent as to which reports and guidance are being referred to in their submitted comments. To date, no additional information has been forthcoming on this subject despite two requests for information.

Having assessed the scheme in consultation with both the Councils Environmental Protection Officer together with input from specialist external consultants, Officers are satisfied that the scheme has been robustly assessed and are satisfied that the scheme is acceptable.

Conclusion on neighbour impact

The proposal has been assessed regarding the potential impact on the amenity of neighbouring and nearby residents and has been considered acceptable subject to conditions securing the operation of the site in strict accordance with the details of the management plan being implemented in full.

Thereafter, the development must be operated strictly in accordance with the approved plan to ensure that the proposal does not result in harm to the amenity of nearby properties and this will be secured by condition.

Following an independent assessment of the potential impacts by a specialist company who is satisfied with the methodology used and that the assessments are robust, conditions are proposed to secure the final details of the operation of the development to ensure that the identified standards are achieved.

It must also be noted that the grant of planning permission does not preclude the use of powers under the Environmental Protection regulations should other issues arise.

Subject to the submission of an appropriate management plan, the proposal is considered acceptable having regard to Policy BE3 and NE5 of the Local Plan.

Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The site is served by an existing vehicular access. As part of the application, a new access point is proposed to increase the available visibility from the access point. The revised access point has improved visibility compared to the existing access point and the County Highways Officer has raised no objection to the scheme in terms of visibility and is satisfied that the access point with the highway is constructed to appropriate standards.

Whilst the scheme previously had no objection from the County Highways Officer, the Local Ward Member raised concern regarding the proposed tracking drawings and size of vehicles indicated to service the site. Following discussions with the County Highways Officer, concern has been raised regarding the accuracy of the swept path analysis and vehicles to be used to service the site.

On this basis, Officers sought further information following a request from Highways that they will require confirmation from the feed suppliers and the bird collection company in order to establish exactly which vehicles will need to access the site and once this has been confirmed, further swept path analysis of these vehicles would need to be provided.

In response, the applicants have provided a summary of vehicles anticipated to service the site that detail the largest vehicle proposed to access the development.

This was then reviewed by the County Highways Officer and it was noted that the agent has provided similar information to that previously received and this was not in line with the request from County Highways. Therefore, it remains that the Highway Authority cannot be sure that the proposal provides safe access as from the information submitted, this has not been satisfactorily demonstrated. The County Highways Officer has therefore now raised an objection.

On the basis of the above, the development is considered contrary to Policies TR1 and TR3 of the Local Plan.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The original assessment of the proposal was considered by the County Ecologist who raised objection to the loss of the hedgerow together with the requirement to submit an Ecological Assessment. This was duly carried out by the applicants and assessed by the County Ecologist. The issues relating to protected species were considered to be satisfactorily addressed subject to conditions and notes whereas additional information was requested regarding Tree Protection details, and a Biodiversity Assessment.

Tree protection details have been submitted and the Ecologist is satisfied that the development would not have a significant impact on the hedgerow which can be satisfactorily mitigated with replacement planting to the existing access point. Additionally, a Biodiversity Assessment has been submitted that demonstrates that overall, there will be a net gain in Biodiversity.

During the consideration of the environmental impacts of the scheme, an assessment of the potential impact of ammonia emissions on ecological receptors was recommended by the Environmental Consultant. The applicants have provided an assessment of the potential impacts and this has been considered by Natural England who are satisfied with the results of the survey and have raised no objection to the scheme.

On the basis of the above, the Ecologist has removed their objection subject to conditions and notes. Officers therefore consider that the proposal is acceptable having regard to Policy NE3.

Trees/Hedgerows

A small section of hedgerow is to be removed to facilitate the new access. This is mitigated for by the closure of the existing access and the reinstatement of a native hedgerow and trees to fill in the area. In addition, planting is proposed to the boundaries to provide additions tree and hedgerow which would result in an overall net gain.

Conclusion

The proposed development is considered to be acceptable in principle insofar as the poultry buildings are acceptable in overall terms and the provision of a new workers dwelling has been justified under Policy H12 of the Local Plan.

The provision of agricultural buildings is appropriate development within the Green Belt. Whilst a new dwelling in this location is considered inappropriate development within the Green Belt, very special circumstances are considered to have been demonstrated in that there is a functional need for a workers dwelling to be provided on the site.

In terms of the access, Officers in consultation with Warwickshire County Highways have considered the impact on the Highway Network and are not satisfied that safe access can be provided to the site in terms of vehicles serving the site being able to enter and exit in a forward gear. The proposal is therefore considered to

be detrimental to highway safety and the proposal is therefore recommended for refusal on this basis.

REFUSAL REASON

Policy TR1 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will only be permitted that provides safe, suitable and attractive access routes. Some of the ways through which the policy expects this to be achieved is for development proposals to demonstrate that they are not detrimental to highway safety.

In the opinion of the Local Planning Authority the development proposed fails to demonstrate that vehicles serving the site can adequately enter, manoeuvre and exit the site in a forward gear. Due to the nature of the vehicles to be servicing the site, the proposal is considered to inadequately demonstrate that safe and appropriate access can be provided.

In the absence of information satisfactorily demonstrating safe and appropriate access can be facilitated the development is considered to be contrary to the aforementioned policy.

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Application No: [W 21 / 1811](#)

Town/Parish Council: Kenilworth
Case Officer: Dan Charles

Registration Date: 24/09/21
Expiry Date: 24/12/21

01926 456527 dan.charles@warwickdc.gov.uk

Land On the East Side Of, Glasshouse Lane, Kenilworth

Application for reserved matters application for layout, scale appearance, materials and landscaping for 620 dwellings in pursuance of outline planning permission W/18/1635. FOR Crewe Lane Kenilworth JV LLP

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

RECOMMENDATION

That the reserved matters application is approved.

DETAILS OF THE DEVELOPMENT

This application seeks the approval of reserved matters relating to the appearance, layout, landscaping and scale of the development, following the grant of outline permission on 16 April 2021 under reference W/18/1635. The site forms part of the strategic extension to the East of Kenilworth.

The proposal is for the erection of 620 dwellings together with all internal site works as matters reserved from the outline that granted the principle of development and the means of access to the public highway.

THE SITE AND ITS LOCATION

The site is designated as the H40 Housing Allocation which forms part of the wider Kenilworth Strategic Extension that consists of the H40, H06, E1 and ED2 allocations.

The land itself is largely open fields with a number of buildings associated with agricultural activity. There is a Scheduled Ancient Monument (SAM) to the south eastern boundary of the site where adjacent to the A46 boundary.

The site also wraps around the existing Woodside Hotel and Conference Centre within the southern element of the site area. The majority of the conference centre site does not form part of the application but an area to the frontage will be reduced and incorporated within the development site. The business property is a separate entity and whilst it does form part of the allocation, it is not included with this application.

The site is an open parcel of grassland. The boundaries of the site to the east, south and west are made up of hedgerows and mature tree belts.

The site is flanked to the north and north east by Crewe Lane that forms the boundary to the site. Beyond Crewe Lane is Kenilworth Golf Club. The Crewe Lane boundary also forms the boundary of the West Midlands Green Belt. On the western side, the site boundary adjoins the Education Allocation within the wider site where the new high school has been granted planning permission and is currently under construction.

PLANNING HISTORY

W/18/1635: Demolition of existing farmhouse and agricultural buildings and outline planning application for residential development of up to 620 dwellings (Use Class C3), new primary school (Use Class F.1) including means of access into site (not internal roads), parking and associated works, with all other matters (relating to appearance, landscaping, scale and layout) reserved: **GRANTED 16.04.2021**

RELEVANT POLICIES

- National Planning Policy Framework

Kenilworth Neighbourhood Plan (2017-2019)

- KP4 - Land East of Kenilworth
- KP8 -Traffic
- KP9 - Cycle Routes
- KP11 - Footpaths
- KP12 - Parking Standards
- KP13 - General Design Principles
- KP14 - Non-designated Heritage Assets
- KP15 - Environmental Standards of New Buildings
- KP18 - Green Infrastructure
- KP20 - Street trees
- KP21 - Flooding

Warwick District Local Plan (2011-2029)

- DS1 - Supporting Prosperity
- DS3 - Supporting Sustainable Communities
- DS5 - Presumption in Favour of Sustainable Development
- DS6 - Level of Housing Growth
- DS10 - Broad Location of Allocated Sites for Housing
- DS11 - Allocated Housing Sites
- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing

- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- H15 - Custom and Self-Build Housing Provision
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- BE3 - Amenity
- BE5 - Broadband Infrastructure
- BE6 - Electronic Communications (Telecommunications and Broadband)
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- HS1 - Healthy, Safe and Inclusive Communities
- HS3 - Local Green Space
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS5 - Directing Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- DM2 - Assessing Viability

Guidance Documents

- East of Kenilworth Development Brief Supplementary Planning Document (March 2019)
- Custom & Self Build Supplementary Planning Document (July 2019)
- Affordable Housing (Supplementary Planning Document - June 2020)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Public Open Space (Supplementary Planning Document - April 2019)
- Parking Standards Supplementary Planning Document (June 2019)
- Residential Design Guide (Supplementary Planning Document- May 2018)

LAND EAST OF KENILWORTH DEVELOPMENT BRIEF

The document has been prepared by Warwick District Council and followed the adoption of the Council's Local Plan 2011-2029 in 2017. The document seeks to guide future development within strategic allocations to the eastern side of Kenilworth and ensure that development within the sustainable urban extension is delivered in a comprehensive manner.

In preparing the Development Brief, Warwick District Council has undertaken extensive consultation with key stakeholders including Warwickshire County Council, Kenilworth Town Council, landowners, land promoters and infrastructure providers to seek views and inform the content of the document in accordance with the Council's Statement of Community Involvement. In addition to stakeholders, the document has also been through a comprehensive public consultation including drop-in sessions for local residents.

The adopted Development Brief is a Supplementary Planning Document (SPD) and as such, is a material consideration in the determination of planning applications within the area covered by the document. This document provides detailed development principles that expand upon and help interpret existing policies as they relate to the site.

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Objection on the following grounds;

- No sustainability statement submitted. Consideration must be given to houses being built to highest environmental standards.
- WDC Net Zero Carbon DPD and WDC Climate Action Plan should be viewed as an emerging material consideration. These seek to make gas boilers obsolete by 2030 and therefore should not be installed in new housing. Low cost of zero carbon options would be insufficient to make zero carbon housing non-viable.

Councillor Trevor Wright: Concern over the impact on Crewe Lane. Crewe Lane is a single track road and not a major road and should not be considered as such. Further consideration must be given to the use of Crewe Lane to prevent harmful consequences as a result of traffic, noise and pollution.

WDC Waste Management Officer: Bin collection points exceed maximum carry distances on various plots.

WCC Highways: Having considered the application, a holding objection was received relating to technical matters relating to elements of the scheme. The key outstanding issue is the request to provide a 4m wide cycle way along the spine road in lieu of the 3m wide route currently shown. At the time of writing, these elements are being addressed and the updated Highway response will be reported within the update sheet.

WCC Public Rights of Way Officer: No objection subject to a note advising that Footpath W202 must remain open at all times.

WCC Landscape: Make the following comments;

- Concern about how site is viewed from Crewe Lane and additional planting would be recommended.
- No clear planting hierarchy proposed and tree lined avenues do not reflect the landscape setting.
- Concern regarding interface between the site and the Woodside Hotel.
- More detail about how landscape will relate to the Arden Parklands character area in terms of different zones within the scheme.
- Revised plans do not demonstrate any significant change.
- Recommend various revised planting details.

Warks Police Designing Out Crime Officer: No observations to make. Refer to comments submitted on outline.

Natural England: No objection. Refer to standing advice regarding Ancient Woodland and Priority Habitats.

Forestry Commission: Ancient Woodland requires a buffer zone. Recommend that advice of Natural England is adhered to.

National Highways: Objection: Matters relating to noise and air quality conditions on the outline need to be addressed as part of the reserved matters application. Need to see technical information relating to SUDS ponds on boundary adjacent to A46.

Public Response: 1 Objection and 3 Neutral Comments received;

Objection Reasons

- Crewe Lane is not wide enough for traffic, especially buses. The Transport Statement is therefore flawed.

Neutral Comments

- Plot 571 is near to 4th green on adjacent golf course. Occasionally a golfer may hook shot into Crew Lane. Note the sporadic tree planting but would recommend further tree planting as protection for homeowners.
- Require assurance that adequate funding is provided for junction improvements at Crewe Lane/Hidcote Road/Glasshouse Lane and Knowle Hill junctions.
- Good to see Self-Build units provided. These could provide a showcase for highly sustainable new homes.

ASSESSMENT

As this is an application for the approval of reserved matters, it is not possible to reconsider the principle of development. This was considered in the assessment of the outline planning application and was found to be acceptable. The outline planning permission approved the vehicular accesses to the site from Crew Lane and Glasshouse Lane.

Consideration of the current application can only include issues related to the detailed appearance, landscaping, layout (including internal roads only) and scale of the 620 dwellings proposed.

Design and Layout

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

The East of Kenilworth Development Brief sets out a range of design criteria that any development of the site must achieve.

Policy KP13 of the Kenilworth Neighbourhood Plan states that all development proposals should achieve a standard of design that is appropriate to the local area. The Policy sets out a framework for guiding design of new developments. In addition, Policy KP4 of the Neighbourhood Plan relates specifically to the East of Kenilworth Urban Extension.

Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF insofar as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The Warwick District Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

In addition, a range of principles for new development are set out with Policy KP13 of the Kenilworth Neighbourhood Plan that set out a framework for setting a benchmark for good design that maintains the special characteristics of Kenilworth whilst not stifling innovation in new design.

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.

Officers consider that the proposed scheme would provide a high-quality residential environment which conforms to the garden suburb design principles. The site exhibits the characteristics of a leafy, well designed residential neighbourhood within which open space and structural landscaping is an integral part, paying particular regard to the areas of Public Open Space to the centre and on the fringes of the development.

The proposal incorporates the community spine road that connects through the site from Glasshouse Lane to Crew Lane. The access points to these roads have already been approved at the outline stage. This provides the whole development with a high quality access road that links together with cycle and footpath links.

The spine road represents the principal route through the development with wide pavements and tree-lined verges meeting widths specified within the 'Strategic Urban Extension' document and set out in the approved design code submitted with the outline planning permission and further secured by condition. The site also contains a secondary street that also features a tree-lined avenue within the central area of the site.

Thereafter, the scheme would provide 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. The proposed dwellings would face onto these areas of public open space to provide natural surveillance.

The Residential Design Guide (2018) sets standards for the distance separation between the windows of habitable rooms in dwellings. For the most part, the development proposes a layout where these minimum separation requirements are satisfied. In some instances, they are exceeded quite substantially. I am satisfied that the scheme creates an overall character of spaciousness, which positively meets the aims and objectives of the garden suburb prospectus and ensures a good standard of amenity for future occupiers.

General design and layout considerations

In line with the outline permission, the site is predominantly proposed as two storey units consisting of single dwellings together with some two and a half storey dwellings and apartment buildings.

Feature dwellings are located around the development where key focal points have been identified; i.e. at the end of roads and at key corner plots. The whole development is predominantly made up of detached and semi-detached properties, with areas of terracing also placed throughout. Any rows of terraces generally consist of no more than three units where a traditional straight row or 4 in very limited cases.

I have considered the proposed layout of the dwellings and how these relate to the internal road network and the wider primary spine road.

I consider the layout represents an efficient use of land and results in a well-spaced and legible layout that accords with the general design principles set out in the aforementioned design guidance as well as the approved site-wide Masterplan and Design Code together with the guidance contained within the Land East of Kenilworth Development Brief Document.

In terms of appearance, the dwellings form a coherent scheme has been designed to provide character areas throughout the site that define areas whilst still retaining a coherent development.

Brick is predominantly proposed with some render sporadically placed throughout the development. Architectural detailing such as porches, gablettes, dormers and chimneys are proposed on a proportion of the units and the styles and types of such features differs depending on the house type.

Overall, I consider that the proposed design and layout would result in an appropriate form of development in visual terms and would not give rise to any harm to the general character of the area.

The proposal is considered to conform with National Guidance set out within the NPPF together with Policy BE1 of the Warwick District Local Plan and additional guidance set out within the Garden Suburbs design document, the Residential Design Guide as well as being in conformity with the approved Masterplan and Design Code for the site.

Housing mix

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

Market Housing

Bedrooms	Total	% Proposed	WDC requirement	Difference
1 bedroom	0	0%	5-10%	-5%
2 bedroom	77	20.7%	25-30%	-4.3%
3 bedroom	196	52.7%	40-45%	+7.2%
4+ bedroom	99	26.6%	20-25%	+1.3%

The market housing mix does not fully accord with the Housing Mix as set out within the Housing Mix SPD with the omission of 1 bed houses. Having considered this in the context of the development, the applicants have advised that the market demographic in the area has no demand for private 1 bed units and a higher demand for 3 bed units.

I am therefore satisfied that the housing mix is appropriate.

Additionally, careful consideration has been given to the location of all house types and tenures across the whole development, which is otherwise considered to represent a good spread of dwelling sizes across the development site.

In making this assessment, I consider the overall housing mix is generally in conformity with the guidance (2018) and this development is therefore acceptable.

Affordable Housing

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

Bedrooms	Total	% Proposed	WDC Requirement	Difference
1-bedroom	30	11.9%	30-35%	-17.9%
2-bedroom	90	36.3%	25-30%	+6.3%
3-bedroom	100	40.3%	30-35%	+5.3%
4-bedroom	28	11.3%	5-10%	+1.3%

This proposal would provide 40% affordable housing comprising the mix of dwelling sizes set out in the above table.

Whilst the figures set out in the table above show differences to the Housing Mix as set out within the SPD, the application is being delivered in partnership with Milverton Homes which is a Warwick District Council Housing initiative. The plans submitted reflect the proposed tenure mix and provision based upon the demands within the local area.

The layout plan illustrates how the affordable housing would be distributed across the site and for this development, the even distribution of affordable housing is welcomed. Where located in clusters, care has been taken to ensure that the tenures are mixed to prevent social exclusion. It is also noted that the applicants propose tenure blind dwellings that are the same as the market range of dwellings so that they are not visually different. This is to be commended.

Self-Build Housing

The East of Kenilworth Development Brief and Kenilworth Neighbourhood Plan Policy KP4 seek a proportion of units to be provided on a self/custom build basis. The Custom and Self-Build Housing SPD seeks the provision of 5% of housing to be provided as Custom and Self-Build Housing. On a scheme for 620 dwellings, this would equate to 31 units. However, the outline application secured a pro-rata approach to the provision on the basis of the identified need for self-build houses on the Councils Self Build Register. This equated to a total of 14 Units to be provided within the site.

The applicants agreed to provide these units on the site. Within the layout of this scheme a total of 14 units have been provided consisting of 7 x three bedroom

and 7 x four-bedroom units. The delivery and control of these units was secured through the Section 106 Agreement attached to the outline planning permission for the site.

Officers are therefore satisfied that the development accords with East of Kenilworth Development Brief and Policy KP4 of the Kenilworth Neighbourhood Plan.

Impact on visual amenity and the character of surrounding area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high-quality layout and design in all developments that relates well to the character of the area.

The East of Kenilworth Development Brief sets out a range of design criteria that any development of the site must achieve in order to maintain a high level of visual amenity and to protect the character of the surrounding area.

Policy KP13 of the Kenilworth Neighbourhood Plan requires new development to have a positive response to the site characteristics and surroundings.

The scheme as submitted follows the indicative masterplan submitted at outline stage. The parameters of the development fully accord with the masterplan document.

The development has lower density housing to the southwestern area of the site where the dwellings will be in closer proximity to existing housing and is therefore reflective of that existing character. The use of lower density housing in this area also ensures that the site is well designed in relation to the existing Woodside Hotel that is enveloped by the site. Woodside is a locally listed building so whilst not a statutory heritage asset, it is a building of interest and therefore, the housing has been designed to respect the setting of the building and its grounds.

In addition to the above, the low-density housing is also located nearest to the Scheduled Monument to reduce the visual impact on the area.

The Eastern area of the development proposes a central park area that forms the hub of the development. The area has been designed with frontages overlooking the park area to create a focal point for the development.

The development seeks to retain existing landscape features through the site including a number of lengths of mature hedgerow and trees located within the site. These features will provide areas with a level of mature landscaping from the first occupation of the development. Conditions to protect these features were secured at the outline stage.

The Landscape Officer has raised concern regarding the planting along the Crewe Lane Boundary and the request for a greater setback to allow for additional planting. Having reviewed this element, Officers note that the scheme is in line

with the strategy set out within the Development Brief and the layout is in accordance with the parameters plan approved at outline stage. During the course of the application, some setback has been provided together with strengthened planting along the boundary. Having considered the development proposed, Officers are satisfied that the scheme is acceptable in this regard.

In addition to the layout concern, the Landscape Officer also sought the use of native species for the planting and the landscaping details have been updated to incorporate this.

Overall, the scheme works with the existing landscape features to provide a high quality development that respects the character of the area.

Impact on residential amenity

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

The East of Kenilworth Development Brief places significant emphasis on ensuring that the amenity of both existing and new properties is satisfactory in terms of disturbance and noise.

Policy KP13 of the Kenilworth Neighbourhood Plan requires an assessment to be made on the impact on existing and future residents as a result of development proposals and potential impacts from noise, light or air pollution must be assessed and addressed.

Impact on existing properties

The western perimeter of the site predominantly abuts the area of land to be used for the secondary school where the dwellings would be adjacent to the periphery of the playing fields only. The majority of the remaining site would abut open countryside where there would be no near neighbours that would be directly affected by the residential development of the site.

The proposed layout and design of this development is in accordance with the garden suburb approach and having regard to the general ethos of the Design Code, would provide a high level of residential amenity to the future occupiers of the development within an attractive setting.

The separation distances to existing properties are well in excess of the required standards due to the separation of the site from these properties by Glasshouse Lane. The proposed development would provide appropriate relationships between neighbouring properties without significant impact upon the amenities of the occupiers.

The ample landscaping and public open space shown on the submitted 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.

Amenity of Future Occupiers

The proposed layout and design of this development is in accordance with the garden suburb approach and having regard to the general ethos of the Design Code, would 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 in many cases are in excess of the minimum separation distance guidance. The proposed development would provide appropriate relationships between neighbouring properties without significant impact upon the amenities of the occupiers.

All garden areas across the site meet or exceed the required garden standards commensurate with the size of property.

Whilst the District Council has not adopted the National Space Standards as part of the Local Plan, Officers have considered the development against these standards for the purposes of assessing the amenity of future occupants. In making this assessment, it is noted that there a small number of 2-bedroom units that do not quite meet the minimum standard but these are marginal. In these cases, Officers are satisfied that the dwellings are acceptable in line with the Local Plan. All of the 1 bedroom and 3+ bedroom units meet or exceed the required standards.

Due to the proximity of the site to the A46 Highway, the outline application required noise and air quality assessments to demonstrate that the residential use of the site could be satisfactorily accommodated on the site. As part of the outline submission, assessment work was carried out together with recommendations for appropriate measures to be put in place to mitigate the potential harm from noise and poor air quality.

The applicants have since submitted their noise and air quality survey work to the Local Planning Authority where it has been assessed by the Environmental Protection Officer. Following this robust assessment, the documentation together with the necessary mitigation was considered acceptable. The site layout has been designed in accordance with the survey work and mitigation strategies submitted and approved so Officers are therefore satisfied that the scheme would not result in unacceptable living conditions by virtue of noise or air quality impacts.

Officers are satisfied that the development is acceptable having regard to Policy BE3 of the Local Plan and Policy KP13 of the Kenilworth Neighbourhood Plan.

Open Space

The site proposes a range of open space typologies within the site that have been generally agreed at the outline stage and were identified on the indicative

masterplan. The final layout of the scheme is similar to that shown at outline and this is considered to be acceptable.

The site benefits from a main central park to be equipped with a range of play equipment together with smaller equipped parks around the development to provide recreational facilities within easy reach for all future occupiers. In addition to the equipped play areas, the site benefits from a range of natural open spaces with footpaths etc for recreation.

The final detail of the play equipment to be provided on the equipped areas is required through the Section 106 Agreement to ensure that the play areas are satisfactorily equipped.

Highway safety / car parking

The primary access to the site is from the proposed roundabout on Glasshouse Lane with a secondary access from Crew Lane. The access point elements were approved at outline stage. From the roundabout, the scheme has a central spine road that serves the site and links through to Crew Lane access. This spine road represents the primary route for traffic with the minor routes linking from this route into the development in a clear hierarchy of transport corridors. The key routes are designed a 20mph design speed in line with WCC Highways advice. The main spine road is a 30mph design speed as a primary route.

The site has been subject to extensive negotiations with Warwickshire County Council Highways to ensure that all internal roads meet the required specification for adoption by the County Council. The layout on the final plans will be subject to a Road Safety Audit to ensure that all aspects are safe and would not result in any harm to highway safety.

Within the site, provision has been made for bus stops to allow the extension of the local bus service into the site to serve the needs of the future occupants. A Section 106 contribution was secured through the outline permission to secure this extended/improved bus route to service the site and connect the development to surrounding settlements including Coventry, Leamington and Warwick as well as the provision of Town Centre 'Hopper' service to link the sites with the town centre and Kenilworth Railway Station.

In terms of sustainable transport options, a range of routes through the site are proposed for pedestrians and cyclists. In addition, the main site access is also proposed to connect into the combined cycle/footway on Glasshouse Lane which has already been part approved under the approved Kenilworth School development.

Within the site, the key route through the site is via a cycleway adjacent to the main spine road. This has been designed to be 3 metres wide in line with the Development Brief and to tie into the works to the main access that provides for a link to the 3 metre wide cycle lane proposed to be delivered by the school application. Upon consideration of the cycle lane, the County Highways Officer has requested that within the site, this be increased to 4 metres. At the time of writing,

this element is still being negotiated and the final design will be reported via the update sheet.

Wider improvements to the provision of cycleways forms an integral part of the proposed highways works. The spine road is proposed to provide a full off-road cycle way through the core of the site and the site also incorporates a number of other recreational cycle routes giving a range of choice for cyclists.

The cycling improvements will build upon the existing improvement works secured in the High School proposal and further works to support the proposed Kenilworth to Leamington Cycle Link. A key aspect of the sustainable nature of this development is the strong provision of cycling opportunities to support the aims of the Development Brief, the Neighbourhood Plan and the NPPF in promoting and enhancing sustainable transport methods. Wider improvements to cycling infrastructure were secured through financial contributions at the outline stage to be delivered in the local area to connect this development to the wider area.

In terms of parking, each property has an appropriate level of parking in accordance with the Council's Vehicle Parking Standards as well as areas set out for visitor parking. Bin collection points have been provided where necessary for properties off private drives to allow for easy servicing.

Overall, the development is not considered to be detrimental to highway or pedestrian safety and accordingly complies with policies TR1 and TR3 of the Local Plan.

Ecology

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 and the subsequent variation application.

The ecological conditions do not need to be replicated as part of this reserved matters application and are subject to the separate discharge of conditions process.

In respect of the reserved matters submission, the County Ecologist has made comments seeking additional survey work to be carried out. The CEMP and LEMP have not yet been finalised for the development as these matters require the approval of a final layout. I am satisfied that the requirements can be incorporated into the CEMP and LEMP relate specifically to the discharge of conditions process which is separate from the consideration and determination of the reserved matters submission. An informative note can be added to the decision notice that provides the requirements in more detail for CEMP and LEMP submissions.

I am therefore satisfied that the proposal raises no significant ecological concerns. All ecological matters are satisfactorily controlled through the conditions attached to the outline consent and the development is therefore considered acceptable having regard to Policy NE3 of the Local Plan.

Drainage and flood risk

The site layout in terms of the SUDS ponds generally reflects the earlier submission under the outline planning permission. A suite of drainage conditions were attached to the outline planning permission as the SUDS pond area was previously considered to be acceptable. The submitted layout satisfactorily demonstrates that appropriate drainage can be provided on the site and the detailed proposal will be controlled via conditions associated with the outline application.

Based on the submitted information no objection is raised to these proposals with regard to the drainage and surface water management.

Impact on heritage assets and features of Archaeological Importance

Heritage Assets

Paragraph 129 of the NPPF requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Regard should also be had to the Ancient Monuments and Archaeological Areas Act 1979, which makes provisions for the investigation, preservation and recording of matters of archaeological or historical interest and (in connection therewith) for the regulation of operations or activities affecting such matters.

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

The East of Kenilworth Development Brief seeks to ensure that any development is sensitive to the setting of heritage assets and features of archaeological importance.

Policy KP13 of the Kenilworth Neighbourhood Plan sets out a range of design principles and states that in terms of Heritage Assets, their settings in the locality must be in accordance with their significance.

In this case there are no listed buildings or conservation areas either within or in close proximity of the application site. There is however one designated heritage asset to which consideration must be given, which is identified as Roman Settlement at Glasshouse Wood which lies to the south east of the application site. This is designated as a Scheduled Monument (SM). The SM is within the site ownership boundary.

The SM was clearly acknowledged within the submitted Design and Access Statement and Heritage Statement in pursuance of the outline permission and the location of the SM clearly informed the illustrative masterplan for the site, which was designed to acknowledge the importance of the SM.

At outline stage, Historic England acknowledged that the impact of the scheme on the setting and significance of the heritage assets and requested a condition to secure a management plan to ensure the long-term management and maintenance of this

The scheme as set out in the submitted drawings retains a significant buffer of at between the built form and the SM area as requested. The design and layout also incorporates a green buffer that acts as a transition from the development into the SM area. All dwellings to the southern edge of the development that are adjacent to the SM Area all have their frontages looking onto the area so this provides a good level of natural surveillance of the area. In addition, the frontages facing the SM means that traffic etc will be present in the area providing further natural surveillance of the area. This should help to protect the area from unlawful incursions.

In conclusion, regard has been had to all the positive steps the applicant has sought to take and the measures intended to be implemented to safeguard the long term management and maintenance of the area of the site in closest proximity to the SAM and the area of the SM itself. The scale of the development is acknowledged as having some impact on the setting of the heritage asset which in Historic England's opinion will result in some modest harm which was identified at outline stage. The advice from the outline from Historic England to secure a clear management framework and management plan to mitigate the harm has been carried through and it evident in the layout of the scheme.

The proposal is therefore considered acceptable having regard to Policy HE1 of the Local Plan and Policy KP13 of the Kenilworth Neighbourhood Plan.

Archaeology

Policy HE4 of the Local Plan requires an appropriate evaluation of potential archaeological remains. Where a development has the potential to have an adverse effect on archaeological remains, mitigation would be required through an appropriate form of archaeological investigation.

Conditions were imposed at outline stage to secure a range of additional survey work above that already carried out. These works have now been completed and the results of the survey work and trial trenching have been submitted to the County Archaeologist for consideration. Whilst these relates to the outline conditions, Officers are satisfied that there are no further archaeological works necessary to be secured on the site.

Officers are satisfied that the proposal is in accordance with Policy HE4 of the Local Plan.

Sustainability

Kenilworth Town Council have raised concerns regarding the lack of an energy/sustainability statement with this application. As part of the outline application, a detailed energy/sustainability statement was secured by planning condition to demonstrate energy saving measures across the site.

It is also noted that the affordable housing element of this scheme is to be delivered for Milverton Homes. 50% of the dwellings will be delivered to zero carbon standards comprising the full 40% affordable housing provision and an additional 10% of the dwellings to be for private rental purposes.

The remaining private homes will also be expected to deliver significant energy savings and this will be detailed within the statement to be submitted as part of the outline planning permission.

Officers are therefore satisfied that the sustainability credentials of the development will meet and in 50% of the properties, exceed the requirements set out by the planning condition.

Summary/Conclusion

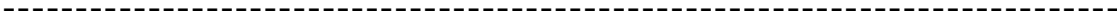
Officers consider the proposed development would provide a high quality residential environment in accordance with the garden suburbs principles, including an appropriate mix of market and affordable housing and acceptable dwelling house and layout design solutions, including landscaping and public open space. There would be no harm arising in terms of neighbour amenity, highway safety or ecology and as such it is considered the scheme therefore complies with the policies listed. Accordingly Officers recommend that the reserved matters be approved.

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) *****, and specification contained therein, submitted on *****.

****PLANS TO BE CONFIRMED FOLLOWING HIGHWAYS RESPONSE****

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.



Planning Committee: 09 November 2022

Item Number: 6

Application No: [W 21 / 1790](#)

Town/Parish Council: Barford

Case Officer:

George Whitehouse

01926 456553 george.whitehouse@warwickdc.gov.uk

Registration Date: 15/11/21

Expiry Date: 10/01/22

Green Acres, 34 Bridge Street, Barford, Warwick, CV35 8EH

Proposed first floor loft conversion, associated roof replacement including the installation of roof dormers. Proposed erection of two storey rear extension. Proposed erection of single storey rear extension to existing garage to include erection of greenhouse to the side elevation. Proposed erection of detached garage to frontage. FOR Mr & Mrs Locker

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

RECOMMENDATION

It is recommended that planning committee Grant the application.

DETAILS OF THE DEVELOPMENT

Proposed first floor loft conversion, associated roof replacement including the installation of 3 rear and 1 front roof dormers. Proposed erection of rear extension. Proposed erection of single storey rear extension to existing garage to include erection of greenhouse to the side elevation. Proposed erection of detached garage to frontage.

THE SITE AND ITS LOCATION

The application property is a detached bungalow which lies on the entrance to Barford Village, to the South East of Barford Bridge and is located to the East of Bridge Street. The dwelling is within the Barford Conservation area and the site is within 20m of a main river but is not within flood zones 2 or 3. The existing building is of no architectural or historic value and is comprised of white render and is set back from the general street scene within its own large plot.

PLANNING HISTORY

None relevant to the current application.

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity

- HE1 - Protection of Statutory Heritage Assets
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Barford Neighbourhood Plan 2014-2029
- B6 - Heritage Assets
- B7 - General Design Principles
- B8 - Biodiversity and Design Principles

SUMMARY OF REPRESENTATIONS

Barford Parish Council: Objection citing: Adverse effect on the residential amenity of neighbours created by overlooking, loss of privacy and impact on light and outlook. Visual impact of the development and its effect of the development on the character of the neighbourhood and the character and appearance of the Conservation Area.

Conservation Officer: No objection to amended plans

WCC Ecology: Recommended a scheme for Bat and Bird Boxes on site and notes relating to protected species.

Public Response: One objection citing loss of amenity specifically loss of light and issue with existing boundary trees (non-planning issue).

ASSESSMENT

Impact on the heritage asset

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

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

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

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

substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Neighbourhood Plan Policy B6 includes similar provisions.

The initially submitted plans were objected to by this office and the conservation officer. They represented an unacceptable scale and massing with materials not considered appropriate for the conservation area.

The proposals have been amended and the conservation officer no longer raises any objection. The bulk of the ridge was stepped down from the front gable and the number of front dormers have been reduced to 1 modest pitched roof dormer.

The proposed amended raising of the ridge is considered acceptable in this case. It will not result in a dwelling that is substantially or unacceptably taller than the other dwellings in the immediate streetscene. Weight must also be given to the fact that this dwelling is set back from the road the raising of the ridge will not result in a dwelling that appears significantly out of character, especially due to the variety already present in this part of the street scene. The proposed render matches the existing dwelling and there is render in the immediate street scene. Even with the raising of the roof the dwelling will be limited in height which will assist with mitigating the overall impact of the enlargements.

The proposed detached garage and log store is of a primarily timber construction, set not forward of the general Bridge Street building line and set below the road level which will minimise its visual impact on the conservation area.

The pool building in the rear garden is also considered acceptable. Views of this will be limited. It is proposed in good quality materials and is of a form and scale that is in keeping with the locality. It is noted that a similarly sized building to enclose a swimming pool could be erected directly behind the dwelling (not beyond the side elevation of the original dwelling) without the need for planning permission.

For the above reasons it has been concluded that the proposals would preserve the character and appearance of the conservation area.

Amenity

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy.

The neighbour closest to the extensions would be No. 8 Carter Drive. The swimming pool extension would breach the 45 degree line from the nearest window in the rear of that property. However, the breach would occur at a distance greater than 8m from the window. As a result, there is no conflict with the 45 Degree Guideline.

The extensions and associated wall would extend some distance alongside the rear garden of No. 8. However, the structures would be set in from the boundary, and the swimming pool building would have a pitched roof sloping down towards the boundary. It is also noted that the closest window in No. 8 is

one of two windows serving that room; the other being in the front elevation and unaffected by the proposed extensions. Therefore it has been concluded that the proposals would not cause unacceptable loss of light or loss of outlook for No. 8.

In terms of privacy, the windows in the elevation adjacent to No. 8 are at ground floor level and serve a shower room and utility. Therefore they would not cause unacceptable overlooking. The rear dormer windows are 12m from the boundary and 22m from the windows in the side elevation of No. 8 and consequently would not cause unacceptable overlooking.

The proposed extensions and garage are far enough away from other neighbours to ensure that they do not cause unacceptable loss of light, outlook or privacy.

It is considered that local plan policy BE3 is complied with.

Ecology

Following an initial objection from the County Ecologist the applicants submitted an initial bat survey and a Bat Assessment Roost Characterisation Survey produced by Ecolocation Dated August 2022.

The submitted survey finds that following the previous inspection survey a single activity survey was required to record if bats were using the limited access point identified during the preliminary roost assessment carried out by Wharton.

The activity survey was carried out to a suitable standard and the County Ecologist has confidence in the findings. Multiple species of bat were recorded using the site for foraging but no bats were recorded entering the building or using the building for roosting.

The survey concludes that while no further survey work is required, works should proceed with the expectation that bats may still be found. The report recommends consideration must be made for any proposed lighting to consider the foraging bats recorded, and that this is an opportunity to incorporate roosting features for bats and nesting features for birds on the site.

While no nesting birds were recorded a note for nesting birds is recommended in case there is any risk during site clearance.

In line with the NPPF, the recommendations of the report and to improve opportunities for protected species recorded in the area, a condition is recommended to secure bat and bird boxes. This will also satisfy the requirement for development to have a net biodiversity increase.

It is considered the development complies with local plan policy NE2 and neighbourhood plan policy B8.

Summary

The proposals do not result in unacceptable impact on the streetscene, amenity of neighbouring occupiers nor do they unacceptably impact protected species. The amended proposals therefore comply with Local Plan Policies HE1, BE3 and NE2

and Neighbourhood Plan Policies B6 and B8. It is recommended planning permission is granted subject to conditions.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
 - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 4115-02S and 4115-03K, and specification contained therein, submitted on 21/10/2022. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 3 No part of the development hereby permitted shall be commenced until a scheme for the provision of 1 bat box and 2 bird boxes to be erected on buildings within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme shall include details of box type, location and timing of works. No part of the development shall be occupied until the boxes shall be installed in strict accordance with the approved details. The boxes shall be retained and maintained in perpetuity. **Reason:** To ensure net gains in biodiversity and mitigation for protected species, and in accordance with the requirements of the NPPF and ODPM Circular 06/2005.
 - 4 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
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Planning Committee: 09 November 2022

Item Number: 7

Application No: [W 22 / 1429](#)

Town/Parish Council: Cubbington
Case Officer: Matthew Godfrey
01926 456642 matthew.godfrey@warwickdc.gov.uk

Registration Date: 01/09/22
Expiry Date: 27/10/22

40 High View Road, Cubbington, Leamington Spa, CV32 7JB

Erection of single storey front extension and two storey side extension FOR Mrs S Mackenzie

This application is being presented to Planning Committee due to an objection from the Parish Council having been received and the recommendation is one of approval.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a single-storey front extension and a two-storey side extension.

THE SITE AND ITS LOCATION

The application site is a two-storey detached dwelling located on the east side of High View Road. The streetscene comprises a diverse range of residential dwellings. This includes terraced, semi-detached, and detached dwellings featuring a mostly beige/red brick, semi-rendered design code.

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS2 - Housing Design
- RLS4 - Housing Character Outside the Conservation Areas

SUMMARY OF REPRESENTATIONS

Cubbington Parish Council - Object on grounds that the proposal will harm the amenity of the neighbour and would also constitute a disproportionate addition with reference to Green Belt Policy DS18.

WCC Ecology - Recommend that a pre-determinative bat survey is carried out.

ASSESSMENT

Impact on the amenity of neighbouring uses

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. Furthermore, the District Council has also adopted Supplementary Planning Guidance on the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

The objection from the Parish Council is noted. However, the siting of the property and the position of the proposed additions mean that there is no breach of the 45-degree line and therefore the proposal will not result in harm to amenity by reason of loss of light or outlook.

It is therefore considered that the proposals are in accordance with Local Plan Policy BE3.

Design and impact on the street scene

Local Plan Policy BE1 states that development will be permitted where it harmonises with and contributes positively to the surrounding area. This is also reflected in guidance within the Residential Design Guide SPD which sets out design principles which development proposals will be expected to comply with. In addition, Paragraph 130 of the National Planning Policy Framework (NPPF) states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

The two-storey side extension is of a subservient design given that it is appropriately set down and set back and is set 1m away from the common boundary in accordance with the principles set out in the Residential Design Guide SPD. Furthermore, the proposal is designed of matching external materials to ensure seamless integration into the existing dwelling. The front extension consolidates an existing feature and would sit comfortably in the streetscene.

In summary, it is considered that the development accords with the guidance set out in the Council's Residential Design Guide and Policy BE1 of the Local Plan.

Parking

In line with the WDC Parking Standards SPD, the proposed development does not require additional parking space, nor does it impose on existing parking space. As a result, the proposal accords with Local Plan Policy TR3.

Ecology

The County Ecologist has recommended that a pre-determinative bat survey is carried out. However, Officers are mindful that there are no specific bat records for the application site itself, the roof space could be converted without the need for planning permission, and the property is well sealed and situated in built-up area. Moreover, bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. It is a criminal offence to recklessly disturb or destroy a bat 'roost'. Where a bat 'roost' is present a licence may be necessary to carry out any works. If evidence of bats is found whilst carrying out works, there is a legal requirement to stop work and notify Natural England. It is therefore considered that an advisory note would be appropriate.

Other Matters

The Parish Council have objected on grounds that the proposal is disproportionate and contrary to Local Plan Policy DS18 - Green Belt. However, the application site is not in the Green Belt and therefore Policy DS18 is not applicable.

SUMMARY/CONCLUSION

The proposal is considered to constitute good quality design and to have an acceptable impact on the amenity of the neighbours and the current and future occupiers of the dwelling. The proposal is considered to satisfy the criteria of Local Plan Policies BE1, BE3 and the Residential Design Guide SPD.

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 22/19-01, and specification contained therein, submitted on 01/09/2022. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

Planning Committee: 09 November 2022

Item Number: 8

Application No: [W 22 / 1521](#)

Town/Parish Council: Lapworth
Case Officer: Theo Collum

Registration Date: 20/09/22

Expiry Date: 15/11/22

01926 456526 theo.collum@warwickdc.gov.uk

1 St Chads Cottage, Old Warwick Road, Lapworth, Solihull, B94 6LH
Erection of two storey side/rear extension plus alteration to fenestration FOR Mr
T Daplyn

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

RECOMMENDATION

Committee are recommended to grant planning permission.

DETAILS OF THE DEVELOPMENT

The erection of a two-storey rear extension and a single storey side extension.

THE SITE AND ITS LOCATION

The application site relates to a semi-detached house within a large plot. The site is adjacent to the canal but not within the Canal Conservation Area, and Lapworth is a growth village removed from the Green Belt.

PLANNING HISTORY

W/20/0384 – erection of a two-storey rear extension – submitted on 27/03/20, granted on 05/09/2020

W/20/1260 – Erection of a two-storey rear and side extension – submitted on 28/08/2020 and granted on 27/10/2020

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

WCC Ecology - object pending photos to determine a bat survey

WDC Conservation - no comment

Lapworth Parish Council - object on grounds of overdevelopment

ASSESSMENT

Design

Local plan policy BE1 details that planning permission will only be granted where the proposals harmonise with the existing street scene. The Council's Residential Design Guide offers more specific details on how this is achieved, including criteria for the subservience of proposed extensions to existing dwellinghouses.

This proposal is very similar to the proposal for which permission was granted under application W/20/1260, however it is slightly smaller by 15m², and removes a flat-roofed balcony feature in favour of a single-storey glazed lean-to section at the side. The two-storey rear extension would not be visible from the Old Warwick Road.

Lapworth Parish Council objected on the basis that they considered this overdevelopment, in close proximity to the Canal Conservation Area and the Green Belt. While the added floor space is large as a proportion of the existing building, it is, as noted, smaller than the proposal granted permission under W/20/1260. In addition, the plot is very large, and the development is concentrated behind and close to the existing house. The Green Belt and Canal Conservation Area do run alongside the property but the property itself is not in either area, therefore rules regarding extensions to dwellings in the Green Belt do not apply in this case. Furthermore, the proposal is considered to have an acceptable impact on the setting of the conservation area. The proposal is therefore considered acceptable under policy BE1.

Impact on the Amenity of Neighbouring Occupiers

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. There is no conflict with the 45-Degree Guideline or the Distance Separation Standards, and therefore the proposals are considered not to cause any material harm in terms of outlook or loss of light and privacy for neighbouring occupiers. Local Plan Policy BE3 is complied with.

Ecology

The County Ecologist has recommended a Preliminary Bat Survey be undertaken. However, Officers are mindful that there are no specific bat records for the application site itself, the roof space could be converted without the need for planning permission, and the property is well sealed and situated in a built-up area. Moreover, bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species

Regulations 2010. It is a criminal offence to recklessly disturb or destroy a bat 'roost'. Where a bat 'roost' is present a licence may be necessary to carry out any works. If evidence of bats is found whilst carrying out works, there is a legal requirement to stop work and notify Natural England. A note advising the applicant of this will be added to any approval granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
 - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 5928/01 C, and specification contained therein, submitted on 20/09/2022. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
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Planning Committee: 08 November 2022

Item Number: 9

Application No: W 22 / 1022

Town/Parish Council: Leamington Spa
Case Officer: Josh Cooper
01926 456537 josh.cooper@warwickdc.gov.uk

Registration Date: 16/06/22
Expiry Date: 11/08/22

17 Vicarage Road, Lillington, Leamington Spa, CV32 7RH

Demolition of existing rear extension and erection of replacement single storey rear extension with green roof and subterranean level and a two storey side extension FOR Downes

This application is being presented to Planning Committee due to the number of objections and an objection from the Town Council having been received with the recommendation being one of approval.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The applicant seeks planning permission for the proposed demolition of the existing single storey rear element of the property and the proposed replacement with a single storey rear extension with a green roof in addition to a two-storey side extension.

The proposed side extension will be finished in white render and have a hipped roof. The proposed single storey rear extension is to be constructed of large aluminium framed glass panes. it also includes a subterranean element.

THE SITE AND ITS LOCATION

The application site relates to a semi-detached dwelling in Lillington, Leamington Spa. The dwelling is located within the Royal Leamington Spa Conservation Area, specifically Area 35: Lillington Village. The application property is situated directly opposite the Church of St Mary Magdalene, a noted significant building within the Conservation Area.

The dwelling is characterised by red brick on the lower half, white render on the upper half and character bay windows located on both the principal and rear elevations. The roof is constructed of tiles, with character dormer windows present. The dwelling is set back from Vicarage Road, with a small walled front garden separating the dwelling from the roadway.

The street scene is also characterised by red brick and white render. The principal elevations of the other semi-detached properties in the same street share a strong uniform character with the application site.

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- HE2 - Protection of Conservation Areas
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE4 - Landscape
- TR3 - Parking
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document- June 2018)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS3 - Conservation Area

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection on grounds of breach of 45-degree line from No. 15.

WCC Ecology: Objection

WDC Tree Officer: No objection

Cllr Daniel Russell: Objection on grounds of breach of 45-degree line from No. 15 and the inclusion of a subterranean area seems unprecedented in the locality which is also a conservation area.

Public Response: 5 objections received on the following grounds:

- breaches 45-degree guidelines
- out of character within the Conservation Area
- proposed subterranean level is much larger than any other in the vicinity and there is concern for potential non-residential uses
- extensions result in a loss of character to the existing dwelling
- extensions may compromise the root systems of nearby Lime Trees within the curtilage of an adjoining neighbour's plot
- extensions will be visible from surrounding roads in the Conservation Area

- potential noise and disturbance of the works being conducted would be significant
- property is already large and so further enlargement is inappropriate
- proposed subterranean level may kill surrounding root networks of protected trees
- proposed side extension unbalances the character semi-detached property
- proposed extensions will affect the garden amenity of surrounding gardens
- vegetation for the proposed green roof is unspecified and may hinder outlook from neighbouring windows
- proposed subterranean element may cause ground instability
- proposed rear extension will have unreasonable material impact on light and outlook to neighbouring properties
- proposed extensions will be detrimental to the setting of two nearby listed buildings St Mary Magdalene Church and the Manor House
- proposed new subterranean level will negatively impact the water table and cause damp issues to surrounding cellars
- The content of the Arboricultural Assessment conducted was unacceptable

Assessment

Design and Impact on Conservation Area

Local Plan Policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals should demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form so that the established character of the street-scene is respected. Policy BE1 states that in order to do this the development should adopt appropriate materials and details and respect the surrounding buildings in terms of scale, height, form and massing.

Royal Leamington Spa Neighbourhood Plan Policy RLS3 states that Development proposals that are within or directly affect a Conservation Area must assess and address their impact on their heritage significance.

The proposed two-storey side extension is considered to be of an acceptable design. The proposed extension is subservient, as it is stepped down from the original roof pitch, shares the original roof style and it adopts appropriate materials to respect the surrounding character and therefore accords with the guidance set out in the Residential Design Guide SPD. The extension will be partially visible from the street scene, but the matching materials allow the subservient extension to harmonise with the local street scene and character.

The proposed single storey rear extension is considered to be a modern and contrasting addition to the traditional dwelling. The proposal provides a good juxtaposition between the old and the new and the use of glass and thin aluminium framing results in a lightweight aesthetic. The proposed rear extension is considered to be subservient to the host dwelling and the proposed green roof is also deemed to be sensitive to the views of the rear extension from above which

would be visible from neighbouring properties. The proposed rear extension would not be visible from Vicarage Road, but it would be visible from Elm Road and Manor Road to the rear. However, given the proposed design and the distance from the extension to the roads to the rear the visual impact on the wider Conservation Area is considered acceptable.

The Conservation Officer made no comments and had no objection to the proposed development.

The proposed narrow two-storey side extension would be visible from Vicarage Road and Church Lane, but the design and use of materials is considered to be subtle enough to result an acceptable impact on the Conservation Area. The proposed two-storey side extension is considered to have an acceptable impact on the listed building directly opposite the application site. The proposed single storey rear extension is considered subservient and respectful of the visual dominance of the existing property whilst be lightweight and purposefully contrasting to the existing character property. Even though the proposed single storey rear extension may be visible from specific positions on surrounding streets, it is not considered to be detrimental to the overall character of the Conservation Area. The demolition of the existing single storey rear element did not raise concern from the Conservation Officer. It is also noteworthy that number 15 Vicarage Road has also had the single storey rear element removed in the past.

The proposed subterranean level and its use is not considered to be a concern as there is no evidence of anything other than residential uses intended.

Concerns have also been raised regarding the proposed vegetation that will be used on the green roof. No details have been provided regarding the type, layout or forms of vegetation that would be used and these details are not something the Council would require for a planning application such as this. Planting can also be undertaken without planning permission as it does not constitute development and so it is considered the lack of detail regarding the proposed roof vegetation is acceptable.

The subterranean cellar has also been objected on grounds it is out of character for the area. As the new cellar will not be visible from above ground, it is considered its impact on the Conservation Area would be negligible. The proposed cellar is bigger than existing cellars in similar neighbouring properties, but the subterranean room is considered to have minimal visual impact and is therefore acceptable. Concerns raised regarding the impact of the new cellar on surrounding trees have been alleviated through the Tree Officer's comments regarding the Arboricultural Assessment provided. The proposed cellar would have to be built in accordance with building regulations to ensure its safety and structural stability and this not a material planning consideration in this assessment.

Further objections raised concerns of overshadowing and the resultant loss of light to surrounding properties. The proposal has been amended to reduce the height of the rear extension, so it is no taller than the existing single storey element and the extension has been moved further away from the shared boundary and back

to the footprint of the existing single storey element. It is considered that as amended, the impact on the neighbour is acceptable. The proposed two-storey side extension adheres to separation distances to adjacent properties. Whilst the proposed extension is closer to the boundaries of adjoining properties on Church Lane, it is still a reasonable distance from the shared boundaries and so overlooking into these adjoining gardens is considered not to result in material harm to amenity.

The proposal is therefore viewed to be in accordance with the guidance set out in the Council's Residential Design Guide SPD and Local Plan Policy BE1, as well as Royal Leamington Spa Neighbourhood Plan Policies RLS3.

Amenity

Warwick District Local Plan Policy BE3 requires development to have acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states that extensions should not breach a 45-degree line taken from the nearest habitable room of the neighbouring property. This aims to prevent any unreasonable effect on the neighbouring dwelling, by reason of loss of light and outlook.

The Royal Leamington Spa Town Council and other public responses objected to this application on grounds that the proposed development breaches 45-degree guidelines.

The proposed development does breach the 45-degree guideline. However, the existing rear single story element also breaches the 45-degree guideline. As the proposal has been amended to be set back further away from the shared boundary to the footprint of the existing single storey rear extension and the proposed extension has been reduced in height and is now no taller than the existing, it is considered that the proposal would not result in any additional harm over and above that which exists at present.

An objection made by a member of the public raised concerns over the noise and disturbance caused by construction works if permission was to be granted. Whilst noise impacts are a material planning consideration it would be unreasonable to refuse planning permission on the basis of temporary noise and disturbance relating to a period of building works. Notes on good working practices will be added to any approval granted.

The proposal adheres to the separation distances set out in the Residential Design Guide SPD. As such, the proposal is not considered to result in an unacceptable loss of privacy for surrounding occupiers.

The impact that the proposal will have on the amenity of the current and future occupiers of the subject dwelling is considered acceptable. The open plan layout of the rear extension provides adequate light and outlook to habitable rooms. The application site will be left with adequate private outdoor amenity space in accordance with the Residential Design Guide SPD.

Therefore, the proposal is considered acceptable and in accordance with Local Plan Policy BE3.

Ecology

Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity. Policy NE2 goes on to state that all proposals likely to impact on these assets will be subject to an ecological assessment.

The County Ecologist has recommended a Preliminary Bat Survey be undertaken. However, Officers are mindful that there are no specific bat records for the application site itself, the roof space could be converted without the need for planning permission, and the property is well sealed and situated in built-up area. Moreover, bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. It is a criminal offence to recklessly disturb or destroy a bat 'roost'. Where a bat 'roost' is present a licence may be necessary to carry out any works. If evidence of bats is found whilst carrying out works, there is a legal requirement to stop work and notify Natural England. A note advising the applicant of this will be added to any approval granted.

Therefore, subject the imposition of explanatory notes, the proposed development is considered to be in accordance with Policy NE2 of the Local Plan.

Impact on Trees

Local Plan Policy NE4 states that new development will be permitted that positively contributes to landscape character.

Given that on the application site and in close proximity to the boundary of the site there are significantly large trees, an Arboricultural Impact Assessment was requested to assess the impact that the proposed development would have onto the nearby landscape character features.

The Tree Officer was consulted upon receipt of the Arboricultural Impact Assessment. The Tree Officer has no objection to the proposed development subject to pre-commencement condition.

Another objection raised concerns that the Arboricultural Impact Assessment had missed important information out regarding the Lime Trees just outside the application site boundary on land believed to be of 28 Church Lane. The objection also raises concerns that the trees are much closer to the proposed development than the plans show. The Tree Officer was satisfied with the content and conclusions of the Arboricultural Impact Assessment and the tree protection measures contained within. As the Tree Officer is satisfied with the Arboricultural

Impact Assessment provided and has made no objection, this Officer considers the proposed development to be in accordance with Local Plan Policy NE4.

Parking

The proposed development does not increase the number of bedrooms in the dwelling. The existing property has no designated off-street parking and has had to make use of available on-street parking. It is considered that the proposal will not further compromise or improve the dwelling’s parking amenity.

The proposal is therefore considered to be acceptable and in accordance with Local Plan Policy TR3.

Summary and Conclusion

The proposal is considered to constitute acceptable design quality and an acceptable impact on the conservation area, an acceptable impact on the amenity of the neighbours and the current and future occupiers of the dwelling. The development is considered to pose a low risk to protected species and will not be detrimental to highway safety. The proposed development is in accordance with all of the aforementioned policies, and it is therefore recommended that planning permission be granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 3254 S3 100 A, 3254 S3 200 A, 3254 S3 300 A, 3254 S3 100 B and 3254-S3-001 specification contained therein, submitted on 19th August 2022. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
