

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa, on Tuesday 8 October 2019 at 6.00pm.

Councillor Boad (Chairman)

Councillor Morris (Vice Chairman)

Councillor M Ashford

Councillor N Murphy

Councillor R Dickson

Councillor W Roberts

Councillor T Heath

Councillor S Sanghera

Councillor J Kennedy

Councillor J Weber

Councillor V Leigh-Hunt

Emergency Procedure

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

Agenda

Part A – General

1. Apologies & Substitutes

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

2. Declarations of Interest

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

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

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

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

3. Site Visits

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

4. Minutes

To confirm the minutes of the meeting held on 10 September 2019.

(Pages 1 to 24)

Part B – Planning Applications

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

- 5. **W/18/2123 – 200 Warwick Road, Kenilworth** **(Pages 1 to 12)**
- 6. **W/19/0812 – Petrol Filling Station, 203A Warwick Road, Kenilworth** **(Pages 1 to 5)**
- 7. **W/19/1051 – The Oaks, Chessetts Wood Road, Lapworth** **(Pages 1 to 6)**
- 8. **W/19/1183 – 8 Savages Close, Bishop's Tachbrook** **(Pages 1 to 9)**
- 9. **W/19/1199 – 13 Eden Croft, Kenilworth** **(Pages 1 to 4)**
- 10. **W/19/1226 – 7 and 8 Pears Close, Kenilworth** **(Pages 1 to 16)**
- 11. **W/19/1254 – Old Folly Barn, Kites Nest Lane, Beausale** **(Pages 1 to 4)**

Part C – Other matters

- 12. **Appeals Report** **(To follow)**

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8.45am to 5.15pm and Friday 8.45am to 4.45pm) or email committee@warwickdc.gov.uk any time after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

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

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

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

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

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

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

Planning Committee

Minutes of the meeting held on Tuesday 10 September 2019 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Boad (Chairman); Councillors Ashford, R. Dickson, Heath, Jacques, Kennedy, Leigh-Hunt, Murphy, Nicholls, Roberts and Sanghera.

Also Present: Principal Committee Services Officer – Mrs Dury; Legal Advisor – Mr Howarth; Head of Development Services – Mr Barber; Business Manager, Development Management – Mr Sahota; and Mr Pilcher from Warwickshire County Council’s Highways Department.

53. **Apologies and Substitutes**

- (a) There were no apologies made.
- (b) Councillor Jacques substituted for Councillor Morris and Councillor Nicholls substituted for Councillor Weber.

54. **Declarations of Interest**

Minute Number 57 – W/19/0655 – Southcrest Farm (including Knoll House), Glasshouse Lane, Kenilworth

Councillor Kennedy declared an interest because the application site was in his Ward. He was also a Member of Kenilworth Town Council but was not a member of its Planning Committee.

Minute Number 59 – W/19/0879 – 24 Fishponds Road, Kenilworth

Councillor Dickson declared an interest because the application site was in his Ward. The applicant was known to him but he did not consider that he was predetermined or predisposed.

Minute Number 61 – W/19/0812 – Petrol Filling Station, 203A Warwick Road, Kenilworth

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

Minute Number 63 – W/19/1165 – Peacock Hotel, 149 Warwick Road, Kenilworth

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

55. **Site Visits**

There were no site visits made.

PLANNING COMMITTEE MINUTES (Continued)

56. Minutes

The minutes of the meeting held on 13 August 2019 were taken as read and signed by the Chairman as a correct record.

57. W/19/0655 – Southcrest Farm (including Knoll House), Glasshouse Lane, Kenilworth

The Committee considered an application from Kenilworth Multi Academy Trust for the demolition of two residential properties and a collection of farm buildings, and erection of a two to three storey secondary school and sixth form building and a single storey facilities management building, with associated access and egress from Glasshouse Lane, parking spaces for cars, school buses, bicycles, internal drop-off zones, sports pitches, landscaping and auxiliary outbuildings.

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

The officer was of the opinion that the proposal was a major allocated site for education within the Local Plan and this proposal was therefore acceptable in principle.

The proposed development had been the subject of significant negotiations to overcome site-specific issues to ensure the most appropriate form of development on site together with securing a range of improvements to the local transport network to mitigate for the increased traffic demand in the area.

Overall, the scheme was considered acceptable and was therefore recommended for approval, subject to the signing of the Section 106 Agreement together with the imposition of a range of planning conditions.

The Chairman alerted Councillors to the content of the Addendum. This Addendum advised what the wording should be for Condition 4, which due to a technical glitch, had failed to appear in the report. Amended wording was also advised for Condition 13 and an additional Condition 26 was also stated following a recommendation by the Fire and Rescue Officer. The Addendum gave details of two additional reports the applicants had submitted on the sustainability aspects of the project relating to Part L2 Carbon Compliance and the Sustainability Criteria Comparison. Finally, the Addendum advised that the report gave incorrect Section 106 Contribution figures for Biodiversity Offsetting. The current figure was £127,508, although this was a maximum figure and would be reviewed. The S106 Contribution towards Highways Improvements was £67,600.

The following people addressed the Committee:

- Councillor J Dearing, representing Kenilworth Town Council, which had objected to the proposals;
- Mr Moss and Mr Martin, objecting to the proposals;
- Mr Abbott, Head Teacher at Kenilworth School and three pupils from the School, Miss Delahaye, Miss Pidgeon and Mr Wilkinson; and

PLANNING COMMITTEE MINUTES (Continued)

- Councillor Hales, District Councillor and a Trustee of the School, supporting.

Members raised concerns about the problems the traffic to and from the School would cause. Mr Pilcher, from Warwickshire County Highways Department, explained the work undertaken to assess the impact and advised that the Department was satisfied with the application proposals but would not be opposed to measures such as imposing a 20 mph speed limit outside of the school at some point, but the move towards this would need to be actioned by the Police, not the Council, so therefore could not be made a condition of granting the application.

There were also concerns raised by Members about the proposals not meeting BREEAM (Building Research Establishment Environmental Assessment Method) standards, but Members were informed that the proposals met the standards required under current Council policy so BREEAM could not form part of any application consent.

A motion to grant including the changes to the conditions and the additional S106 obligations detailed in the Addendum, proposed by Councillor Ashford and seconded by Councillor Sanghera was swiftly followed by a motion to defer the decision to the next meeting proposed by Councillor Roberts and seconded by Councillor Kennedy. The motion to defer was now the substantive motion but was defeated on being put to the vote.

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

The Committee therefore

Resolved that W/19/0655 be **granted**, subject to the signing of a Section 106 Agreement and the conditions listed below.

Should the Section 106 Agreement not be signed within one calendar month from 10 September 2019, Officers will have delegated authority to refuse planning permission if no progress has been achieved.

Furthermore, in addition to other S.106 Agreement Planning Obligations set out in the report, the S.106 contribution figure for Biodiversity Offsetting set at £127,508, is a maximum figure to be reviewed accordingly, and the S.106 contribution figure for Highways Improvements is set at £67,600.

Conditions:

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

PLANNING COMMITTEE MINUTES (Continued)

91 of the Town and Country Planning Act 1990 (as amended);

- (2) unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby permitted, except that associated with the exempt works listed below, shall commence until all respective pre-commencement conditions have been discharged by the Local Planning Authority.

The exempt works shall include; Installation of foul drainage infrastructure, excavation for a new high voltage cable (around the perimeter of the site), investigative surveys, demolition of existing buildings, mobilisation of a site compound, formation of new site entrances, and installation of perimeter fencing and tree protection fencing.

Reason: To ensure that development associated with an agreed list of exempt infrastructure and site preparation works can proceed in a timely fashion;

- (3) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings:
- KSSF-ARUP-ZZ-XX-DR-L-XX-1520 (C04) (Site Masterplan) submitted on 14th August 2019;
 - KSSF-ARP-ZZ-XX-DR-L-XX-1502 (Vegetation Removal Plan), KSSF-ARP-ZZ-XX-DR-L-XX-1504 (Courtyard Masterplan), KSSF-ARP-ZZ-XX-DR-L-XX-1505 (Fencing), KSSF-ARP-ZZ-XX-DR-L-XX-1506 (Site Sections), KSSF-ARP-ZZ-XX-DR-L-XX-1507 (Courtyard Sections 1 of 2), KSSF-ARP-ZZ-XX-DR-L-XX-1508 (Courtyard Sections 2 of 2), KSSF-ARP-ZZ-XX-DR-L-XX-1509 (Location of Ecological Mitigation Features) and KSSF-ARP-ZZ-XX-DR-L-XX-1510 (Site Block Plan) submitted on 12th April 2019;
 - KSSF-GNA-XX-LG-DR-A-1000, KSSF-GNA-XX-00-DR-A-1001, KSSF-GNA-XX-01-DR-A-1002, KSSF-GNA-XX-02-DR-A-1003 and KSSF-GNA-XX-RF-DR-A-1004

PLANNING COMMITTEE MINUTES (Continued)

- (General Arrangement Plans) submitted on 12th April 2019;
- KSSF-GNA-ZZ-XX-DR-A-2101, KSSF-GNA-ZZ-XX-DR-A-2102, KSSF-GNA-ZZ-XX-DR-A-2103, KSSF-GNA-ZZ-XX-DR-A-2104, KSSF-GNA-ZZ-XX-DR-A-2105 and KSSF-GNA-ZZ-XX-DR-A-2106 (Elevations) submitted on 12th April 2019;
- CH002A (07) (Section 278 Agreement Plan for Pedestrian & Cycle Facilities and Site Access) submitted on 20th August 2019
- KSSF-GNA-ZZ-XX-DR-A-2107 (E) and KSSF-GNA-ZZ-XX-DR-A-2108 (E) (Elevations) submitted on 28 August 2019, and specification contained therein.

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

- (4) the development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the Local Planning Authority expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition, appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The CEMP should address all measures related to the construction phase outlined in the Ecological Impact Assessment (KSSF-ARUP-XX-RP-YE-0004) and Air Quality Assessment (KSSF-ARUP-XX-RP-YE-0005).

The Plan shall include details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary

PLANNING COMMITTEE MINUTES (Continued)

contractor's buildings, plant and storage of materials associated with the development process. The scheme shall also detail a scheme for community engagement during the construction works. All works of demolition or construction shall be carried out in strict accordance with the approved Plan.

The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality. To also ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies BE3, TR1, NE2 and NE5 of the Warwick District Local Plan 2011-2029;

- (5) no development (other than the agreed exempt infrastructure and site preparation works) shall take place until an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development. The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

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

- (6) no development (other than the agreed exempt infrastructure and site preparation works) and subsequent use of the development shall take place until a detailed surface water drainage scheme for the site, based on

PLANNING COMMITTEE MINUTES (Continued)

sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

Reason: To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity in accordance with Policies BE1, FW2 and NE3 of the Warwick District Local Plan 2011-2029;

- (7) no development (other than the agreed exempt infrastructure and site preparation works) shall take place until: -

1. A site investigation has been designed for the site using the information obtained from the approved desk-top / preliminary study and any diagrammatical representations (conceptual model). The investigation must be comprehensive enough to enable:

PLANNING COMMITTEE MINUTES (Continued)

- A risk assessment to be undertaken relating to human health
- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
- An appropriate gas risk assessment to be undertaken
- Refinement of the conceptual model
- The development of a method statement detailing the remediation requirements
 - a) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
 - b) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the Local Planning Authority prior to the remediation being carried out on the site.

2. All development of the site shall accord with the approved method statement.

3. If during development, contamination not previously identified, is found to be present at the site, then no further development shall take place (unless otherwise agreed in writing with the Local Planning Authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.

4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future

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monitoring proposals and reporting shall also be detailed in the report.

Reason: To safeguard health, safety and the environment in accordance with Policies NE4 and NE5 of the Warwick District Local Plan 2011-2029;

- (8) no development (other than the agreed exempt infrastructure and site preparation works) shall commence until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict 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;

- (9) no hard or soft landscaping shall be implemented until details of hard landscaping works which shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area, or directly to a surface water sewer system for each phase have been submitted to and approved in writing by the Local Planning Authority. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of each phase of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hedging, tree(s) and shrub(s)

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shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect and enhance the amenities of the area, and to satisfy the requirements of Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

- (10) no lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out and operated otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted across ponds and semi-improved grassland and trees/hedgerows and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

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

Reason: In accordance with NPPF, ODPM Circular 2005/06;

- (11) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site (other than for the purposes of the agreed exempt infrastructure and site preparation works) until a scheme for the protection of all existing trees and hedges to be retained on site and an Arboricultural
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Method Statement has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

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

- (12) no installation of landscaping works shall be undertaken until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The plan should include details of planting and maintenance of all new planting (including the orchard). Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland, woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full.

Reason: To ensure a net biodiversity gain in accordance with NPPF and Policy NE3 of the Warwick District Local Plan;

- (13) prior to first occupation, a Travel Plan shall be submitted to and approved in writing by Warwickshire County Council. The Travel Plan will be based on the principles outlined in the Framework Travel Plan (KSSF-ARUP-RP-YT-0002 - P02) submitted with the application. After 12 months of occupation, an updated Travel Plan shall be submitted to assess the effectiveness of the approved Travel Plan and
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provided updated requirements (if necessary) based upon a review of the approved Travel Plan document.

Reason: To demonstrate the practical and effective measures to be taken to avoid the adverse impacts of traffic in accordance with Policy TR2 of the Warwick District Local Plan 2011-2029;

- (14) the development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details.

Reason: In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029;

- (14) no occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan.

Reason: To ensure the future maintenance of the sustainable drainage structures;

- (15) no occupation and subsequent use of the development shall take place until eleven electric vehicle charging bays, and infrastructure for a further eleven has been installed in accordance with details first submitted to and approved by the local planning authority.

Reason: To ensure delivery of sufficient electric vehicle charging bays in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (16) (a) playing fields shall not be installed until the following documents have been submitted to and approved in writing by the Local Planning
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Authority after consultation with Sport England:

(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and

(ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

(b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation [or other specified time frame – e.g. before first occupation of the educational establishment]. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Policy HS5 of the Local Plan;

- (17) playing fields shall not be installed until a schedule of playing field maintenance including a programme for implementation for a minimum period of [five] years starting from the commencement of use of the development [or other specified time period] has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. Following the commencement of use of the development the approved schedule shall be complied with in full.

Reason: To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose and to accord with Policy HS5 of the Local Plan;

- (18) the full size floodlit 3G football pitch hereby permitted shall not be constructed other than
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substantially in accordance with Sport England's Artificial Surfaces for Outdoor Sports Guidance and the FA's Guide to Football Turf Pitch Design Principles and Layouts.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Policy HS5 of the Local Plan;

- (19) the use of the full size floodlit 3G football pitch cannot commence until:

(a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and

(b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Policy HS5 of the Local Plan;

- (20) use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to [describe facilities forming part of the development] and include details of pricing policy, hours of use, access by non-[educational establishment] users [/non-members], management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Policy HS5 of the Local Plan;

- (21) the development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) and in particular the
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following mitigation measures detailed within the FRA:

Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 43.33 l/s for the site. Surface water is to be provided via a minimum of two trains of treatment using the proposed drainage features within the drainage design.

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

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies BE1, FW2 and NE3 of the Warwick District Local Plan 2011-2029;

- (22) noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

Reason: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

- (23) no deliveries or waste collections likely to cause nuisance to nearby residents shall take place before 0730 hours or after 2000 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays.

Reason: In the interests of safety, and to maintain the amenity of nearby stakeholders in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan;

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- (24) the development access shall be constructed in accordance with submitted drawing CH002A Revision 07.

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

- (25) the Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. Prior to the commencement of the development, the details of these measures (including type, method of operation and control of use) shall be submitted in writing to the Local Planning Authority for their approval in consultation with the Highway Authority.

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

- (26) the development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details.

Reason: In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.

58. W/19/0559 – Hangar 5, Coventry Airport, Coventry Road, Baginton

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

This application was deferred by Councillors from the August Planning Committee meeting because of a lack of information relating to the impact of the development on air quality. This application was originally presented to Committee due to the number of objections including an objection from the Baginton Parish Council.

PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that the proposals would have no greater impact on the openness of the Green Belt than the existing use. Furthermore, the proposals were unlikely to have an unacceptable impact on neighbouring residential amenity, air quality or highway safety. Therefore, it was recommended that planning permission should be granted.

An addendum published ahead of the meeting gave details of an objection received from Councillor Bush from Baginton Parish Council related to annual average daily traffic calculations presented in the report. Warwickshire County Council Highways Department had not raised any issues with the information provided in the report provided by the planning officers and the additional report supplied by applicant, so there was no reason to consider that the traffic information provided was incorrect.

The following people addressed the Committee:

- Councillor Bush, representing Baginton Parish Council which had objected to the application; and
- Mr Barnes, who was speaking on behalf of the Applicant.

The Chairman reminded Councillors that the application had been deferred at the last meeting because of a lack of information relating to environmental factors and that they had discussed the other aspects of the application at the last meeting. They should therefore limit discussion to the environmental factors.

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

The Committee therefore

Resolved that W/19/0559 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing AV/17/04/06 submitted on 3rd April 2019 and "Fencing and Environmental Barriers" submitted on 15th August 2019, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

PLANNING COMMITTEE MINUTES (Continued)

59. **W/19/0879 – 24 Fishponds Road, Kenilworth**

The Committee considered an application from Mr Scott and Mrs Jones for the erection of a part first floor front extension, and part two storey rear and single storey rear extensions with associated pitched roofs.

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

The officer was of the opinion that the proposed development complied with local plan policy BE1 since it represented a subservient form of development that was easily read as an extension and that positively contributed to the street scene. Furthermore, local plan policy BE3 was complied with along with the Council's Residential Design Guide.

An addendum published ahead of the meeting advised of amended wording for Condition 2.

The following people addressed the Committee:

- Mr McCaig, who advised that he no longer had objections to the proposals if the works were carried out according to the drawings and specification submitted on 30 August 2019; and
- Ms Jones, the applicant.

The Chairman drew Members' attention to the information contained within the addendum.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Sanghera and seconded by Councillor Jacques that the application should be granted including the amendment to Condition 2 advised in the addendum.

The Committee therefore

Resolved that W/19/0879 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan 19.2047.GA.001 submitted 24/05/2019 and approved drawings 19.2047.GA.501A and 19.2047.GA.101C, and specification contained therein, submitted on 30/08/2019. **Reason:** For the avoidance of doubt and to secure a

PLANNING COMMITTEE MINUTES (Continued)

satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and

- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029

(The meeting was adjourned at 7.55pm for 16 minutes.)

60. W/19/0913 – 67 Lillington Road, Royal Leamington Spa

The Committee considered an application from Mr Skelcher for the erection of a single storey rear extension, first floor rear extension, replacement garage and alterations to front boundary wall including new gates.

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

The officer was of the opinion that the proposed rear extensions, detached garage and front boundary treatments were considered of an acceptable design and scale for the existing property and the wider street scene that would not draw the attention away from the historical significance of the main dwelling. In addition, the proposals would not cause harm to the amenity of the neighbouring properties or public highway safety.

An addendum published ahead of the meeting advised that a correction needed to be made to the parking and access section of the officer's report regarding how far the proposed gates should be set back from the carriageway; it should have stated 5m rather than 6m. This requirement was achieved as part of the proposal.

The following people addressed the Committee:

- Mr Sharp, who represented nearby residents who objected to the proposals; and
- Mr Skelcher, the applicant.

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

The Committee therefore

Resolved that W/19/0913 be **granted** subject to the following conditions:

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

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

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 19/02-02 A, and specification contained therein, submitted on 02nd August 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

61. W/19/0812 – Petrol Filling Station, 203A Warwick Road, Kenilworth

The Committee considered a retrospective application from Valero Limited for the display of two internally-illuminated canopy fascia panels, one internally-illuminated totem sign and four internally-illuminated spreader boxes.

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

The officer was of the opinion that the installed signage was considered to be acceptable in design terms and preserved the appearance of the Conservation Area. The proposal had an acceptable impact on amenity and there were no public safety issues identified. It was therefore recommended that the signage should be approved.

Councillor Worrall, representing Kenilworth Town Council's objections to the proposals.

Councillors expressed concern that they were unable to determine how much of an issue the lights coming from the signage at the petrol station were for nearby residents when there were no photos of the signs in the dark. Officers were unable to confirm if visits had been made in the dark to assess the impact. Anecdotal evidence had been given at the meeting about a nearby resident who was now forced to sleep in a room at the back of his house because of the light given from the signs.

A motion was proposed by Councillor Heath and seconded by Councillor Sanghera to grant permission, but this was swiftly followed with a motion

PLANNING COMMITTEE MINUTES (Continued)

to defer decision until the next meeting so that photographs could be taken in the dark. This motion to defer became the substantive motion.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Dickson and seconded by Councillor Nicholls that the application should be deferred to the next meeting to obtain photographs and clarification of lux readings of the signage in the dark because there was no evidence available relating to the objections received.

The Committee therefore

Resolved that W/19/0812 be **deferred** to the next meeting to obtain photographs and clarification of lux readings of the signage in the dark because there was no evidence available relating to the objections received.

62. W/19/0961 – 9 Stoneleigh Close, Stoneleigh

The Committee considered an application from Mr Brooks for the erection of a hip to gable roof conversion raising the roof height by a minimum of 0.5 (from the existing ridge) and a maximum of 3.5m (from the existing eaves) with the erection of one dormer to the front and three dormers to the rear.

The application was presented to Committee because of support from Stoneleigh & Ashow Parish Council when the recommendation was to refuse the application.

The officer was of the opinion that although the proposals were acceptable in terms of their design within the street scene and impact on the neighbouring occupiers the additional bulk and mass represented a 67.12% increase in the floor area of the dwelling. This was well in excess of the 30% guide set out in policy H14. The combination of the increase in floor space and the increase in height and volume meant that the proposals would amount to a disproportionate addition and did not comply with Local Plan Policy H14. It was recommended that this application should therefore be refused.

Mr Brooks, the applicant addressed the Committee.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Roberts and seconded by Councillor Ashford that the application should be refused.

The Committee therefore

Resolved that W/19/0961 be **refused** because in the opinion of the Local Planning Authority, the proposed development represents a disproportionate addition to the original building and therefore constitutes inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are

PLANNING COMMITTEE MINUTES (Continued)

considered to exist which outweigh the harm identified.

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

63. W/19/1165 – Peacock Hotel, 149 Warwick Road, Kenilworth

The Committee considered an application from Mr Muthalagappan for the renewal of permission W/16/1203 for the change of use from hotel (use Class C1) to a 37-bedroom House in Multiple Occupation (HMO) (Sui Generis) and the insertion of three additional windows.

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

The officer was of the opinion that the proposed change of use would not create a harmful concentration of HMOs within a 100 metre radius of the site, and subject to adequate control through a management agreement, would not have a harmful impact on neighbouring residential amenity. The proposal provided adequate waste and cycle storage and there would be no increased demand for on-street parking. Therefore, it was recommended that the proposed change of use should be approved.

An addendum published ahead of the meeting advised of the content of one further objection that had been received.

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

The Committee therefore

Resolved that W/19/1165 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 720.06, 720.07A, 720.08, 720.09, 720.10, 720.12, 720.12A submitted on 9th July 2019 and drawing 720.11B submitted on 7th August 2019, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1

PLANNING COMMITTEE MINUTES (Continued)

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

- (3) the occupation of the buildings hereby permitted shall not commence until a management plan addressing the management and maintenance of the buildings; security and fire safety; the conduct of the occupants during occupancy; and community liaison responsibilities and procedures has been submitted to and approved in writing by the Local Planning Authority. That occupation shall only be undertaken in accordance with that management plan. **Reason:** To ensure a satisfactory standard of development in the interests of the amenities of the wider area in accordance with Policies BE1, BE3 and NE5 of the Warwick District Local Plan 2011 – 2029;
- (4) the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029; and
- (5) the development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **Reason:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

64. W/19/1009 – The Barn, Camp Hill Farm, Kites Nest Lane, Beausale

This application was withdrawn from the agenda because amended plans had been received which overcame the concerns raised by the Conservation Officer and therefore the application could now be determined under delegated powers.

PLANNING COMMITTEE MINUTES (Continued)

65. W/19/1010 LB – The Barn, Camp Hill Farm, Kites Nest Lane, Beausale

This application was withdrawn from the agenda because amended plans had been received which overcame the concerns raised by the Conservation Officer and therefore the application could now be determined under delegated powers.

66. Planning Appeals Report

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

Resolved that the report be noted.

(The meeting ended at 9.18pm)

CHAIRMAN
8 October 2019

Planning Committee: 08 October 2019

Item Number: 5

Application No: [W 18 / 2123](#)

Town/Parish Council: Kenilworth

Case Officer: Ragu Sittambalam

01926 456016 ragu.sittambalam@warwickdc.gov.uk

Registration Date: 10/12/18

Expiry Date: 04/02/19

200 Warwick Road, Kenilworth, CV8 1HU

Outline planning application (all matters reserved) for up to 5 dwellings and associated works. FOR Mr S Tebby

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

RECOMMENDATION

That the planning application is GRANTED subject to conditions.

The application is to be determined by planning committee having received an objection from Kenilworth Town Council.

DETAILS OF THE DEVELOPMENT

The application seeks outline planning permission with all matters reserved for;

- Development of up to five dwellings
- Access being taken from the existing point onto Warwick Road

The site is subject to the following environmental constraints;

- Within Kenilworth Conservation Area

THE SITE AND ITS LOCATION

The application site lies to the rear of no. 200 (Smithy) and no. 198 (Malt Shovel Inn), Warwick Road (A452), a main route running through the Town of Kenilworth with the site set to its southern end.

The site has a garage court, and a corner of the service yard of the Newlands home on the west, a bungalow to the south, and houses to the east, which front onto Warwick Road.

PLANNING HISTORY

W/05/0684 - Erection of 22 flats with garaging and parking
REFUSED 14/07/05

W/86/0913 - Erection of three terraced cottages
REFUSED 05/11/86

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- Neighbourhood Plan
- Kenilworth Neighbourhood Plan
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document)
- Distance Separation (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council (1st consultation) -

Members COMMENTED that they have no objection in principle to developing this area of land. However, in the absence of any draft proposals, they were unable to make any decision as to the appropriateness of this application in such a sensitive area.

The following specific concerns were raised:

- Sited on a prime entry point to the Town, any development should comply with Policy KP3 of the Neighbourhood Plan (Warwick Road Special Policy Area)
- The effect of any access onto the St Johns Gyratory, particularly in view of possible future changes. Members would be interested in the comments of the Highways Authority.
- Being partly within a Conservation Area, the effect on nearby listed buildings.
- The potential for flooding, in an area of known historical ponds and drainage issues.
- Whether sufficient useable room is available for five dwellings, without shoehorning.
- The effect on nearby buildings, particularly the Newlands.

- Previous planning problems on this site, including a refusal, dating back to 1986.

Kenilworth Town Council (2nd consultation) -

Members OBJECTED to this proposal. Vehicular access to the site was not considered safe, being a dangerous entrance in an area subject to frequent and increasing congestion. Members felt this matter should be further considered by the Highways Authority, based on an increased number of proposed dwellings. In addition, no pedestrian access was indicated, presenting additional potential issues on this difficult access.

WCC Ecology - No Objection; Condition advised

WDC Environmental Health - No Objection; Conditions advised

WCC Highways - No Objection; Conditions advised

WCC Landscape - No Objection; Condition advised

Warwickshire Fire and Rescue - No Objection

Warwick District Conservation Advisory Forum (CAF) - Concerns over insufficient information being provided.

PUBLIC CONSULTATION

Two representations of support and one comment have been received raising the following issues:

- Further details required to assess proposal
- Concerns over potential overlooking

ASSESSMENT

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF operates under a presumption in favour of sustainable development. It states that development proposals, which accord with the development plan, should be approved without delay.

The adopted Development Plan where the site is located comprises of the Warwick District Local Plan (WDLP) and the Kenilworth Neighbourhood Plan (KNP).

The main considerations in the assessment of this outline application are;

- Principle of Development
- Visual Impact
- Conservation Area

- Amenity
- Contaminated Land
- Ecology
- Transport
- Conditions

Principle of Development

The NPPF seeks to promote sustainable development with paragraph 8 providing the starting point against which the sustainability of a development proposal should be assessed. This identifies three dimensions to sustainable development - an economic element, a social element and an environmental element which are interdependent and need to be pursued in mutually supportive ways.

H1 of the WDLP sets out where housing is permitted within the district, including within urban areas.

KP15 of the KNP encourages development proposals to adopt higher standards of building design and energy performance.

The site is located within the urban area of Kenilworth in a location where a strong service base is readily accessible. Having regard to H1, the site is considered to be an appropriate location for new housing.

The principle of development is therefore considered acceptable, in accordance with H1 of the WDLP and the NPPF.

Visual Impact

The application has been submitted with all matters reserved, so details relating to appearance, layout, scale and landscaping would be dealt with at the reserved matters stage. An indicative layout and elevations has been submitted as part of the application.

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.

BE1 of the WDLP reinforces the importance of good design stipulated by the NPPF subject to detailed criteria to ensure that new development is permitted where it will positively contribute to the character and quality of its environment through good layout and design.

KP13 of the KNP ensures that development proposals should achieve a standard of design that is appropriate for the local area with a series of design principles in support of this, including matters to address visual appearance.

Full details of the appearance of the properties would be managed through the future reserved matters application. The Conservation Officer had requested

further details relating to the facing materials and design rationale in a future application which would be expected in a future submission.

Based on the layout and indicative elevations it is considered that the development could be accommodated without adverse visual impact. The application is therefore in accordance with BE1 of the WDLP, KP13 of the KNP and the NPPF.

Conservation Area

The site is located within the Kenilworth Conservation Area and has been subject to consultation with the Conservation Officer with comments received from Warwick District Conservation Advisory Forum (CAF).

Sections 71 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the local planning authority to have special regard to the need to 'preserve or enhance' the character, appearance and setting of conservation areas.

HE1 of the WDLP sets out that where harm to the significance of designated heritage assets arises from development proposals, this harm will be weighed against the public benefits of the proposal.

HE2 of the WDLP supports the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area.

KP13A of the KNP provides policy based on St John's as a character area providing criteria that development proposals should demonstrate regard for.

Notwithstanding the general comments from the Conservation Officer, there are no objections raised to the proposal with no level of harm cited. CAF have raised concern over the level of detail, but this is not consistent with the advice of the Conservation Officer. On balance and given that the delivery of a future scheme would be subject to an acceptable reserved matters application, it is considered that a commensurate level of information has been submitted with appropriate assurance from the relevant statutory consultee.

The impact on the Conservation Area is therefore considered acceptable in accordance with HE1/HE2 of the WDLP and the NPPF.

Amenity

The proposed site is within an area that is surrounded by existing properties and concern has been raised through public representation over the potential for overlooking from the development. The application has been submitted with an indicative layout setting out the separation distances afforded by the proposal.

Paragraph 127 of the NPPF states that planning decisions should in (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

BE3 of the WDLP sets out that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users and occupiers of the development.

KP13 of the KNP ensures that development proposals should achieve a standard of design that is appropriate for the local area with a series of design principles in support of this, including matters to address amenity impacts.

The Residential Design Guide (RDG) serves as a Supplementary Planning Document providing criteria to address residential amenity.

The indicative layout demonstrates that adequate separation distances between properties could be suitably achieved in accordance with the RDG. There is concern over the proximity of dwellings to the southern boundary however it is stated that this property would be a 1-bedroom unit which reasonably could be delivered through a building with a lower than two storey height. Such matters would be tackled in greater detail at the reserved matters stage.

In addition, there are not considered to be significant noise emitting activities within proximity of the site that would warrant further information. In consultation with the EHO, no substantive concerns have been raised with regards to noise.

On this basis, the impact on amenity is considered acceptable in accordance with BE3 of the WDLP, KP13 of the KNP and the NPPF.

Contaminated Land

The site has previously been subject to development which has potential for contaminated land. The application has been reviewed by the District's Environmental Health Officer (EHO).

Paragraph 178 of the NPPF states that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

Paragraph 179 of the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The EHO has raised no objection to the proposal subject to conditions to provide information relating to contaminated land from the outset of development and in the possible event of contaminated land being discovered.

It is considered that issues around contaminated land have been suitably addressed in accordance with KP13 of the KNP and BE3 of the WDLP.

Ecology

The application involves site clearance to allow for the development of the proposal which has been subject to consultation with the County Ecologist (CE).

Paragraph 170 of the NPPF sets out that planning decisions should contribute to and enhance the local environment by minimising impacts on and providing net gains for biodiversity.

NE3 of the WDLP 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 CE has raised no objection noting the small loss to biodiversity to be compensated to ensure a net gain through the provision of bat and bird boxes.

The ecological impact of the proposal is therefore considered acceptable, in accordance with NE3 of the WDLP and the NPPF.

Transport

Transport matters are considered in consultation with Warwickshire County Council's Highways Development Management team (HDM). Access would be dealt with through a future reserved matters application however the principle of the access point put forward is subject to consideration in this application. Concerns raised by Kenilworth Town Council relating to this issue has been addressed in this section.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy TR1 of the Warwick District Local Plan requires all developments to 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.

HDM have raised no objection to the proposal on grounds relating to increased traffic impact or to the layout and potential implications regarding internal layout. Conditions have been recommended in respect of the delivery of the internal highway network however this would be dealt with robustly at the Reserved Matters stage and once physical works progress on site.

The indicative layout sets out that the development would comprise of one and two-bedroom properties. Based on the size constraints of the site, the number of spaces put forward would be satisfactory to meet the car parking standards as set out within the Parking Standards SPD.

Subject to future consideration, the impact on highway safety is considered acceptable in accordance with TR1/TR3 of the WDLP, Parking Standards SPD and the NPPF.

Conditions

Paragraph 55 of the NPPF sets out the governing principles for planning conditions emphasising that conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

Prior to preparation of this report, the applicant has confirmed agreement of the conditions set out in the recommendation. Pre-commencement conditions have been imposed as part of this permission.

SUMMARY/CONCLUSION

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

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

CONDITIONS

- 1 Details of the;
 - a) Means of access to the building(s) and site,
 - b) Appearance of the building(s),
 - c) Landscaping of the site,
 - d) Layout of the site and its relationship with adjoining development, and
 - e) The scale of building(s)

(hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved.

REASON: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 Prior to commencement of the development hereby approved, details of bat and bird boxes to be erected on buildings on the site to include;
- a) Details of box type;
 - b) Location of boxes; and
 - c) Program of delivery.

Shall be submitted to and approved in writing by the District Planning Authority. Thereafter, the boxes shall be installed and maintained in perpetuity.

REASON : In accordance with Policy NE3 of the Warwick District Local Plan 2011-2029.

- 5 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the District Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
 - 5) A verification report containing the data identified in (4).

Any changes to these components require the express consent of the District Planning Authority. The scheme shall be implemented strictly as approved.

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

- 6 The development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.
- 7 Notwithstanding details contained within the application, the development hereby approved shall not be occupied until;
 - a) The access for vehicles to the site has been widened to 5 metres in width for a minimum distance of 7.5 metres, as measured from the near edge of the public highway carriageway;
 - b) The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway;
 - c) The access to the site shall not be reconstructed/widened in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway;
 - d) A turning area has been provided within the site so as to enable the largest vehicle likely to enter the site to leave and re-enter the public highway in a forward gear; and
 - e) Gates/barriers/doors erected at the entrance to the site for vehicles shall not be hung so as to open to within 6 metres of the near edge of the public highway carriageway

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

- 8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, all of which shall be submitted to and approved in writing by the local planning authority. The remediation shall be carried out in accordance with the approved details. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted to and approved in writing by the local planning authority. **REASON:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.
- 9 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 10 Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects within the first planting season following the first occupation of the development hereby permitted, save that the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of the same size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 11 The development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict

accordance with the approved details. **REASON:** In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.

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

Planning Committee: 08 October 2019

Item Number: 6

Application No: [W 19 / 0812](#)

Town/Parish Council: Kenilworth

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 18/06/19

Expiry Date: 13/08/19

Petrol Filling Station, 203A Warwick Road, Kenilworth, CV8 1FB

Retrospective display of 2No. Internally-illuminated Canopy fascia panels, 1No. Internally-illuminated Totem sign, 4No. Internally-illuminated Spreader boxes.
FOR Valero Ltd.

This application was deferred by Councillors from the September Planning Committee meeting as Councillors requested that further information was provided in reference to the impact of the signage on neighbouring residential amenity, namely a photograph of the site at night and lux levels. The information requested by Councillors is being obtained and shall be presented to Councillors at the meeting. This application was originally presented to Committee due to the number of objections and an objection from the Parish Council having been received.

RECOMMENDATION

Planning Committee are recommended to GRANT advertisement consent, subject to the conditions listed in the report.

DETAILS OF THE DEVELOPMENT

The application seeks advertisement consent for the display of:

- 2No. Internally-illuminated Canopy fascia panels,
- 1No. Internally-illuminated Totem sign,
- 4No. Internally-illuminated Spreader boxes.

The signage has been installed and therefore the application is retrospective.

THE SITE AND ITS LOCATION

The application relates to an existing petrol filling station located on a roundabout on the approach to Kenilworth Town Centre. The application site is located within the Conservation Area.

PLANNING HISTORY

There is no relevant planning history relating to this site.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- Neighbourhood Plan
- Kenilworth Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Objection, lighting so close to housing would have a highly detrimental impact on residential amenity.

Environmental Protection: No objection, following on from submission of additional information.

WCC Highways: No objection.

Public Responses: 7 Objections, additional lighting would have a detrimental impact on living conditions for neighbouring residents. The proposal will have a negative impact on market value of neighbouring properties.

ASSESSMENT

Only the following issues can be considered as part of an application for advertisement consent:

- Impact on Amenity
- Public Safety

Impact on Amenity

Visual Amenity

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

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The explanatory text for Local Plan policy HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a

Conservation Area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

Policy BE1 of the Warwick District Local Plan 2011-2029 seeks to ensure that proposals will only be permitted which positively contribute to the character and quality of its environment through good layout and design. The NPPF reinforces the importance of good design and calls for proposals to be refused where they are not considered to represent good design.

Kenilworth Neighbourhood Development Plan (KNDP) policy KP13 states that development proposals should achieve a standard of design that is appropriate to the local area and has regard to heritage assets and their settings. Policy KP13 also states that development should have a positive response to site characteristics and surroundings.

This is a retrospective application and the signage has already been installed. Whilst in the Conservation Area, the application site has little architectural or historic merit, being a modern petrol filling station. The application site reads as a stand alone development in the centre of a roundabout, with a single adjacent building, also of relatively modern construction.

The signage which has been installed replaced previously installed signage and was part of the rebranding of the site. In the context of the application site, the signage is considered to be acceptable. The signage is no larger, or more visually intrusive than that which was previously installed, and does not appear incongruous or inappropriate within the street scene, being standard forms of advertising for a petrol filling station. It is noted that the Conservation Officer has no objection to the proposals. A condition will be added for the use of white light which remains static for the protection of the Conservation Area and neighbouring residential amenity.

The advertising is considered to preserve the appearance of the Conservation Area and is not considered to cause harm to the street scene. The proposal is therefore considered to be in accordance with Local Plan policies BE1 and HE2, and with KNDP policy KP13.

Residential Amenity

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users.

KNDP policy KP13 states that development proposals should have regard to the impact on residential amenity of existing and future residents.

There have been objections from the Town Council and members of the public relating to the light emitting from the signage and the impact which this has on neighbouring residential amenity. Members of the public state that the existing

lighting is already intrusive and additional lighting would have a detrimental impact on living conditions for neighbouring residents.

For clarification, there would be no additional lighting than that which has already been installed on the site. Environmental Protection were consulted as part of the assessment. They requested additional information from the applicant to clarify the lux levels and also made a visit to the site to assess the impact of the advertising on neighbouring residential amenity. Following a full assessment of the application, they concluded that the proposal does not cause harm to neighbouring residential amenity to an extent which warrants objection, or reason for refusal of the application.

The nearest residential properties to any of the illuminated signage are over 32m away at the closest point, with others being considerably further than this, and none of the signage points directly towards any of the neighbouring properties. The lux levels of the signage are well under the post-curfew lux value of 2.0 for 'Light Intrusion into Windows' given in Table 2 of the 'Institute of Lighting Professionals (ILP) Guidance Notes for the reduction of obtrusive light (2011)'. Importantly, it should also be noted that there is street lighting positioned between the application site and neighbouring residential properties. Environmental Health Officers have confirmed with WCC Highways that this remains on throughout the night.

Following on from the previous Planning Committee meeting, Officers have sought additional clarification from Environmental Health regarding the impact of the signage on neighbouring residential amenity. The highest predicted level is 0.145 lux at the most affected property as shown on the drawings provided by the agent, which is the equivalent to light levels experienced under typical moonlight.

In terms of acceptable lux levels at residential properties, Environmental Health use the recommended limits under the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light (2011). This sets limits based on the type of location e.g. rural, urban, suburban, etc. Environmental Health consider the area to be suburban which is Environmental Zone 3 (E3) which recommends no more than 2 lux light intrusion into windows. The highest predicted lux level for the development is 0.145 lux which is considerably below this threshold. Even if Officers took a conservative approach and assumed that the location was classified as Rural (E2) where the recommended limit is 1 lux light intrusion into windows, the lux levels would still be compliant with these guidelines, again being well below the maximum level. It is again reiterated that there is also a street light which remains on all night which acts as an intervening feature between the residential properties and signage.

It is therefore considered that the installed signage has an acceptable impact on neighbouring residential amenity and that the proposal would comply with Local Plan policy BE3 and KNDP policy KP13.

Public Safety

KNDP policy KP13 states that development proposals should have regard for requirements for safety.

The Highway Authority has been consulted and has no objection to the signage. No other public safety issues are identified.

Other Matters

Members of the public have stated that the proposal has a negative impact on market value of neighbouring properties. However, this is not a material planning consideration and cannot be assessed as part of this application.

Conclusion

The installed signage is considered to be acceptable in design terms and preserves the appearance of the Conservation Area. The proposal has an acceptable impact on amenity and there are no public safety issues identified. The signage should therefore be approved.

CONDITIONS

The five standard advertisement conditions plus:

- 6 The development hereby permitted shall be strictly maintained in accordance with the details shown on the site location plan and approved drawing WPS-VEL-1064-PL01, and specification contained therein, submitted on 16th May 2019. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 7 Within three months of the date of this decision, the advertisements hereby permitted shall only be illuminated by white light and shall remain static. **REASON**: To ensure a high standard of design and appearance within the Conservation Area, and the satisfy Policy HE2 of the Warwick District Local Plan 2011-2029.

Application No: [W 19 / 1051](#)

Town/Parish Council: Lapworth
Case Officer: Dan Charles

Registration Date: 02/08/19

Expiry Date: 27/09/19

01926 456527 dan.charles@warwickdc.gov.uk

The Oaks, Chessetts Wood Road, Lapworth, Solihull, B94 6ER

Access to land via field gate. FOR Mr. Michael Wiseman

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

RECOMMENDATION

That planning permission is GRANTED with conditions.

DETAILS OF THE DEVELOPMENT

The proposal is for the installation of a new field gate into a parcel of land to the rear of the existing dwelling.

THE SITE AND ITS LOCATION

The application site relates to a detached residential dwelling, situated to the east side of Chessetts Wood Road, on the corner with Rising Lane in Lapworth. The site lies within the Green Belt and is set within an open countryside location. This application relates to the north of the residential part of the site and is a parcel of land which is within the applicant's ownership but does not form part of the approved residential curtilage of the dwelling.

PLANNING HISTORY

W/17/0733 – Alter residential curtilage, proposed two storey rear extension, proposed boundary wall, demolition and relocation of porch and other external alterations and additions – GRANTED 30.06.2017.

W/16/2103 – Change of use of agricultural land to garden land and erection of single storey side extension – REFUSED 13.03.2017 and APPEAL DISMISSED 30.11.2017

W/16/1395 – Certificate of lawfulness for existing garden surrounding The Oaks, Chessetts Wood Road, Lapworth, B94 6ER – WITHDRAWN 13.10.2016

W/16/1372 – Enlargement of existing dormers, installation of new windows and doors, erection of new log shelter and replacement porch – Granted 20.09.2016

W/16/0152 - Ground Floor Side Extension, Removal of two rear dormers to form one large dormer, Increase roof covering on rear over nation and two storey front extension with open porch – REFUSED 24.03.2016

RELEVANT POLICIES

- National Planning Policy Framework
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: No objection.

WCC Highways: No objection subject to conditions.

WCC Ecology: No objection subject to explanatory notes.

WDC Tree Officer: The positioning of the gate appears to have been carefully considered and the method statement that has been provided is thorough; the control measures should be fully implemented in a timely fashion and properly maintained and monitored throughout the duration of the development.

Public Response: 5 letters of objection have been received making the following comments;

- Inappropriate development within the Green Belt.
- Will introduce a hard boundary feature into a rural area.
- Any hard surface will create more harm.
- Lack of justification for new access.
- Harmful to highway safety.
- Harmful impact on biodiversity, hedgerow and retained tree.
- Harmful impact on rural landscape character.

ASSESSMENT

History/Background

There have been a number of applications at the site for the use of this land as garden land associated with the dwelling. It should be noted that this application does not pursue the use of land and is related solely to the installation of a field gate access from the public highway.

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 allows certain forms of development such as buildings for agriculture and appropriate facilities for outdoor sport, recreation cemeteries

and burial grounds and allotments. In addition, Paragraph 146 allows for engineering operations within the Green Belt where the works preserve the openness and do not conflict with the purposes of including land within the Green Belt.

Whilst a field gate does not fall comfortably within the above definitions, it is noted that the existing hedgerow has been removed to facilitate works by Severn Trent and the proposal would seek to reinstate the hedgerow and at the same time provide access to the land for maintenance purposes. The gate is a traditional 5-bar gate design that is a common feature in rural areas and the proposal would not result in any harm to the openness of the Green Belt. Officers are therefore satisfied that the proposal would be appropriate development within the Green Belt.

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.

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

The proposal is for a traditional 5 bar field gate that is a common feature in rural areas. The proposal will also see the gap in the hedge reinstated with native planting to infill the area between the proposed gate and existing hedgerow.

Whilst local concern has been raised regarding the creation of a hard edge in a rural area, Officers are satisfied that the creation of a field gate would not be detrimental to the rural character of the area.

Impact on adjacent properties

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

The nearest residential properties are located to the west of the application site and set back behind a deep frontage. Due to the separation distance and the form of development, Officers are satisfied that the proposed new access gate would not result in harm to highway safety.

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.

Local concern has been raised regarding highway safety impacts as a result of the installation of the field gate.

The proposed new gate will be set back from the edge of the public highway carriageway by approximately 8.5 metres allowing vehicles to exit the carriageway in front of the gate. The areas to the side of the existing gate will have the hedgerow reinstated to connect the existing hedgerow to the gate posts either side of the access affording visibility in both directions.

The County Highways Officer has considered the proposed scheme and is satisfied that the development would not be harmful to highway safety subject to a condition that the access is constructed to the appropriate highway standards.

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 area of the proposed gateway is on an area of land cleared for Severn Trent works. Therefore, the existing hedgerow and trees have been removed. Following clarification of this matter, the County Ecologist has raised no objection subject to the imposition of an explanatory note regarding nesting birds.

Other Matters

Trees/Hedgerows

The District Council Tree Officer has considered the proposal and notes that positioning of the gate appears to have been carefully considered and the method statement that has been provided is thorough and as such raises no objection subject to the control measures should be fully implemented in a timely fashion and properly maintained and monitored throughout the duration of the development. This can be secured by condition.

Use of Land

Local concern has been raised regarding the future use of the land and the need for the field gate.

Officers note that earlier applications have sought to use the land as garden area. This application, if granted would not grant any permission for a change of use of the land for which a separate application would be required.

Officers are satisfied that a field gate onto the land would afford access for maintenance of the land without having to manoeuvre through the existing

dwelling access. The use of the field gate is likely to be small scale and Officers are satisfied that this use would be acceptable.

Conclusion

The proposal seeks the provision of a field gate to serve a parcel of agricultural land. The development is deemed to be appropriate development within the West Midlands Green Belt.

The proposal is considered to respect the rural character of the area by providing an appropriately designed field gate and reinstates an area of removed hedgerow whilst protecting the existing trees.

The proposal does not result in harm to the amenity of neighbouring properties and the proposal is considered acceptable in terms of highway safety.

The proposal will result in minor ecological gain through the reinstatement of the hedgerow adjacent to the gate.

For the above reasons, the proposal is recommended for approval.

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) PAL.03 Rev A and PAL.04 Rev A, and specification contained therein, submitted on 2 August 2019. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to

cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

- 4 The access to the site for vehicles shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
 - 5 The reinstatement of the native hedge shall be carried out within the first planting season following the substantial completion of the access works. Any tree(s) or hedgerow plants removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted . All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
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Planning Committee: 08 October 2019

Item Number: 8

Application No: W 19 / 1183

Town/Parish Council: Bishops Tachbrook
Case Officer: Rebecca Compton

Registration Date: 15/07/19

Expiry Date: 09/09/19

01926 456544 rebecca.compton@warwickdc.gov.uk

8 Savages Close, Bishops Tachbrook, Leamington Spa, CV33 9RL

Erection of single storey dwelling with associated works following demolition of existing outbuildings (re-submission of application ref: W/18/2378) FOR Mr & Mrs Wellsted

This application is being presented to Planning Committee as the application is recommended for refusal and the Parish Council are supporting it and more than 5 letters of support have also been received.

RECOMMENDATION

Planning Committee is recommended to refuse planning permission for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposal seeks to demolish the existing curtilage listed outbuildings and replace them with a new 2 bed, single storey dwelling on a similar footprint to be constructed using a mix of materials. The existing garden would be subdivided to provide a separate long, narrow garden for the new dwelling with a 1.8m dwarf wall and fence along the boundary between the application site and No.8 Savages Close.

Application references W/18/1362 and W/18/1363/LB were applications for the dismantling of the existing outbuildings and the construction of a new dwelling on the site. In terms of its design, the current proposal is broadly similar to that which was previously submitted and refused under application ref W/18/2378. However, the proposal has been amended and the key changes are as follows:

- Brick detailing with glazing behind on the north elevation have been omitted
- The high level windows on the north elevation are now obscure glazed
- The existing hedging along the shared boundary with 8 Savages Close is to be retained
- A proposed 1.8m boundary treatment along the shared boundary with 8 Savages Close consisting of a dwarf wall and fencing above
- A Local Housing Needs Survey for the Parish has been submitted.

THE SITE AND ITS LOCATION

The application site is located at the end of a cul-de-sac that serves a number of dwellings. The site is located in open countryside outside of the village boundary of Bishops Tachbrook. The existing site forms part of the larger garden of No.8 Savages Close which is a listed farmhouse located along a private road. The site is also situated within the Bishops Tachbrook Conservation Area.

PLANNING HISTORY

W/18/2378 - Erection of single storey dwelling with associated works following demolition of existing outbuildings - Refused 23/7/19 by Planning Committee, for the following reasons:

- 1. Policy H1 of the Warwick District Local Plan 2011-2029 directs new housing to the defined urban areas then previously developed land within specified Limited Growth villages where a specific local need has been identified. The application site is not within the defined urban areas or one of the defined Limited Growth Villages and adequate evidence of local need has not been submitted with the application. The proposal is therefore contrary to Policy H1 of the Warwick District Local Plan 2011-2029 and constitutes an unsustainable form of development contrary to the NPPF.*
- 2. Policy BE3 of the Warwick District Local Plan 2011-2029 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby residents and future occupants. The proposal is considered to have an unacceptable impact on the residential amenities of No.8 Savages Close by virtue of direct views over its private amenity space and also would result in the perception of overlooking of the private amenity area of No. 7. Concern is also raised in respect to the outlook from the second bedroom which is considered to be substandard in that it would result in a poor living environment. The proposal is therefore considered to be unneighbourly and contrary to the aforementioned policy.*

W/18/2379/LB - Demolition of existing outbuildings to be replaced with a single storey dwelling – Granted

W/18/1363/LB - Erection of 1no. dwelling following demolition of existing outbuildings - Withdrawn

W/18/1362 - Erection of 1no. dwelling following demolition of existing outbuildings - Withdrawn

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- H15 - Custom and Self-Build Housing Provision (Warwick Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Bishop's Tachbrook Parish Council: Support for the following reasons:

- This would create a home from a redundant building.
- A good use for a building which would otherwise fall more into disrepair and become an eyesore.
- The plans show a sympathetic design which we believe would enhance this area.
- The building is designed to accommodate elderly or disabled residents. It would enable elderly or disabled residents to be looked after in their own home without further extension.

WDC Waste Management - No objection

WCC Highways - No objection

WCC Archaeology - No objection, subject to condition

WCC Ecology - No objection, subject to condition and notes

Public Response - 10 letters of support from local residents have been received on the following grounds:

- Welcome the loss of dilapidated buildings
- Good design
- Improvement to the area.

ASSESSMENT

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

- The principle of development
- Impact on the character and appearance of the area and heritage assets
- Impact on neighbours
- Parking and highway safety
- Ecology

The Principle of Development

The adopted Warwick District Local Plan 2011-2029 has a settlement hierarchy for the location of new housing to encourage sustainable patterns of development. Under Policy H1 housing sites have been identified and allocated. In the open countryside, Policy H1 directs new housing to sites which meet the following criteria:

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

The proposal is considered to satisfy 1, 3, 4 and 5 of the above list. However, fundamentally, it is considered that the proposal does not satisfy requirement 2.

It is noted that Bishop's Tachbrook have produced a Local Housing Needs Survey for the Parish which concludes that a total of 3 bungalows are required to meet the needs of the parishioners. However, what the Local Housing Needs Survey fails to take into account is the fact that within the Parish there are 3 housing sites allocated in the Local Plan; H02 (1605 houses), H46B (900 houses) and H49 (50 houses). Furthermore, planning permission has been granted for 150 dwellings off Oakley Wood Road.

Proposals are still awaited for some of the phases in the allocated sites, however, bungalows in excess of those identified in the Housing Needs Survey have been approved in the permissions on the allocated housing sites. Residential developments yet to come forward on the relevant allocations are

likely to provide more. As such the proposal fails to meet all of the criteria set out in Policy H1 and is unacceptable in principle.

Allowing a single dwelling in an unsuitable location without evidenced justification would set a precedent and undermine the Council's housing strategy as comparable applications would be difficult for the Council to resist.

Section 38 (a) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan, unless other material circumstances indicate otherwise. Policy H1 of the adopted Development Plan clearly sets out locations where new housing in the district is to be directed and the application proposal does not accord with that plan. There are considered to be no material considerations whereby a departure from the Development Plan is warranted in this case.

Character of the Area and Heritage

Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act requires special regard to be had to the historic character of listed buildings. Section 72(1) seeks to ensure that development proposals preserve or enhance the character of the Conservation Area. Policies HE1 and HE2 of the Local Plan set similar aims. Policy BE1 of the Local Plan also requires attention to be paid to the character of the area and architectural detail. Policy HE4 is also noted in terms of protecting archaeological interest. The aims and objectives of the National Planning Policy Framework are also considered in respect of conserving the historic environment and achieving high quality design.

National policy explains that considerable weight should be given to the conservation of designated heritage asset (para. 193) and any level of harm should require a clear and convincing justification regardless of the level of harm (p. 194). In addition, paragraph 195 and Policy HE1 of the Local Plan explains that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

The main house is Grade II Listed and the outbuilding to be demolished is curtilage listed.

Listed Building Consent has been granted for the demolition of the existing building and for a replacement dwelling under application ref W/18/2379/LB. It has therefore been determined that the loss of the heritage asset is acceptable in principle. The existing outbuilding is in a severe state of disrepair, in addition, the building has changed substantially from its original inception and it was concluded that very little, if any, of the historic fabric now remains internally.

On balance, it was considered that the very nature of the existing site prevents any reasonable or viable usage due to its deteriorated state and condition. If left in its current state, the building is likely to deteriorate further, into a state of collapse, and on balance, in terms of heritage considerations, it was considered that bringing the site back into use outweighed the harm.

The proposed design generally reflects the form of the existing structure, including pitched gables and use of traditional materials but in a modern concept with a clear design ethos.

In terms of archaeology, the proposed development lies within an area of significant archaeological potential, within the medieval settlement at Bishop's Tachbrook (Warwickshire Historic Environment Record MWA 9502). No. 8 Savages Close is a 17th Century Grade II Listed timber framed cottage (National List Entry No. 1035226). There is a potential for the proposals to impact upon archaeological deposits, including structural remains, boundary features and domestic refuse pits dating from the medieval and post-medieval periods. In addition, the outbuildings which are proposed for demolition are shown on the 1880's Ordnance Survey mapping for this area indicating that they were present from at least this date. As such a scheme of archaeological recording is conditioned.

The proposals are considered to be in accordance with Section 66(1) and Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act and Policies BE1, HE1, HE2 and HE4 of the Warwick District Local Plan 2011-2029.

Impact on Neighbours

Policy BE3 of the Local Plan seeks to ensure that development does not adversely impact on the amenities of neighbours and also provides adequate levels of amenity for future occupiers of the development. The comments of neighbours have been carefully considered.

The proposals would be of similar bulk and mass to the existing building and the proposed building would not impact on the amenity of the adjoining neighbour to the north. The proposed windows are high level on the rear elevation and are proposed to be obscure glazed to not result in loss of privacy to the adjoining neighbour to the north.

There is concern regarding the second bedroom which is served only by one of these high level windows. It is considered that this would fail to provide an adequate outlook and therefore result in a poor living environment contrary to Policy BE1.

Concerns were raised under the previously refused application (ref: W/18/2378) due to a series of vertical glazed gaps on the rear elevation that would directly overlook into the private amenity space of No.7 Savages Close. These have been omitted under the current scheme. Concerns were also raised under the previous application regarding direct overlooking into the rear garden of No.8 itself. A new boundary treatment consisting of a dwarf wall and fencing to a height of 1.8m has now been proposed which is considered to address these concerns.

There is a very close relationship between the main farmhouse and the existing buildings which would be replicated should the proposals go ahead. However, the proposal does not meet the requisite separation distances set out in the Council's adopted Residential Design Guide SPD and the 45-degree line is breached from some of the rear windows in the existing dwelling. While the existing building breaches the 45-degree line, the new building is taller and therefore the level of harm would be potentially exacerbated. However, the existing and proposed buildings are more than 8 metres away along the 45-degree line and therefore this is considered to mitigate the harm.

No.7 Savages Close has a detached garage to the rear adjacent to the application site boundary. This garage building is set 2m from the rear wall of the neighbouring property and already contravenes the 45-degree line from the full height lounge windows. The proposed new building would be flat roofed at this section and set lower than the ridge line of the neighbouring garage. As the 45-degree line is already breached on this garage the proposal is not considered to exacerbate the situation to result in such a level that it warrants a refusal of planning permission in this instance.

Any new dwelling needs to meet the requirements for providing sufficient amenity space for the future occupants, which for a 2 bed dwelling amounts to 40sqm as set out in the Council's Residential Design Guide SPD. The current proposal has 248sqm which is well in excess of the amount required.

Considering all of the above, the proposal is considered to be contrary to Policy BE3 due to an inadequate outlook from a habitable room in the proposed dwelling.

Parking and Highway Safety

Policies TR1 and TR3 of the Local Plan seek to ensure appropriate levels of car parking and seek to ensure that proposals do not impact on highway safety. The Parking Standards SPD is noted in terms of the amplification to the guidance. In accordance with the National Planning Policy Framework, highway safety should only be used as a reason for refusal where the impact would be severe.

The Highways Authority were consulted on the application and given that the site is accessed via a private driveway they raised no objection. The proposal includes 2 parking spaces which would be provided within the existing carport.

This is in accordance with the Council's adopted Parking Standards SPD which require that 2 spaces are provided for a 2 bed property. This takes away two spaces from the existing dwelling, however there is sufficient space to park in front of the building and there are no restrictions as it is a private road.

Overall the proposal is considered to accord with Policy TR1 and TR3 and will not give rise to highway safety concerns.

Ecology

Policy NE3 of the Local Plan requires the protection of biodiversity as part of development proposals. The County Ecological Advisor comments that appropriate notes should be added in relation to bats, hedgehogs and nesting birds. Whilst the protection of trees is noted there are no trees in the immediate vicinity to impact on.

Taking account of the comments of the Council's Ecological Advisor the proposals would not impact on trees or protected species and subject to appropriate conditions the proposals are capable of complying with Policy NE3 of the Local Plan.

SUMMARY/CONCLUSION

The proposal is considered to be unacceptable in principle, for the reasons set out above, and in terms of its impacts on the future occupiers' amenities.

The proposals have been carefully considered against the supportive comments received from neighbours and the Parish Council, but these do not outweigh the reasons for refusal as set out above.

It is recommended, therefore, that planning permission should be refused.

REFUSAL REASONS

- 1 Policy H1 of the Warwick District Local Plan 2011-2029 directs new housing to the defined urban areas then previously developed land within specified Limited Growth villages where a specific local need has been identified.

The application site is not within the defined urban areas or one of the defined Limited Growth Villages and adequate evidence of local need has not been submitted with the application. The proposal is therefore contrary to Policy H1 of the Warwick District Local Plan 2011-2029 and constitutes an unsustainable form of development contrary to the NPPF.

- 2 Policy BE3 of the Warwick District Local Plan 2011-2029 states that development will not be permitted which has an unacceptable adverse impact on the amenity of future occupants. Concern is raised in respect to the outlook from the second bedroom which is considered to be substandard in that it would result in a poor living environment.

The proposal is therefore considered to be contrary to the aforementioned policy.

Application No: [W 19 / 1199](#)

Town/Parish Council: Kenilworth
Case Officer: George Whitehouse
01926 456553 george.whitehouse@warwickdc.gov.uk

Registration Date: 16/07/19
Expiry Date: 10/09/19

13 Eden Croft, Kenilworth, CV8 2BG

Proposed raising of the roof and inserting first floor accommodation with a single-storey rear extension, and lifting the garage flat roof to the side. Revised planning application to that withdrawn, W19/0867. Revisions are that the roof extension to ridge-line is reduced, the roof is to be lifted only over the main body of the house and the side roof to the garage/ utility is to be lifted. FOR Mr. G. Kim and Mrs Moon

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

RECOMMENDATION

It is recommended that planning committee grant this application for the reasons set out in the report

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the raising of the ridge by 450mm, single storey rear extension and raising the roof of the garage to match the eaves of the bungalow.

THE SITE AND ITS LOCATION

13 Eden Croft is a link detached bungalow property within a street of bungalows. Some of the bungalows on the street have loft conversions however the property in question has not previously been extended. The part of the street that 13 Eden Croft sits within is comprised entirely of bungalow properties.

PLANNING HISTORY

W/19/0867: Proposed raising of the roof by 860mm and erection of rear dormer window with a single-storey rear extension, raising the garage flat roof to the rear. Withdrawn by applicant.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)

- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)

Guidance Documents

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

Neighbourhood Plan

- Kenilworth Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Objection; Members considered the design conflicted with the street scene.

Warwickshire County Council Ecology: Requested notes relating to protected species

Public: 11 no objections based on harm to the street scene, loss of privacy, loss of bungalow housing stock, traffic generation

ASSESSMENT

Design and impact on the street scene

Local Plan Policy BE1 states new development will be permitted where it positively contributes to the character and quality of its environment.

Kenilworth Neighbourhood plan KP13 b states that development should demonstrate regard to the site characteristics and surroundings.

On the western side of Eden Croft, the bungalows vary slightly in their heights and are less uniform than the opposite side of the road. While the proposals would result in the bungalow becoming one of the taller properties in this part of the street, the raising of the main roof ridge would result in the dwelling being just 0.2m taller than the immediate neighbour to the left and 0.3m taller than the neighbour to the immediate right. It is therefore considered that the proposals demonstrate regard for the scale of the surrounding properties and provides a way of extending the property whilst respecting the character and appearance of the street scene.

Some concern has been raised regarding the two front roof lights. However the installation of roof lights does not require planning permission and these do not therefore form part of this assessment

The proposal to raise the flat roof of the garage is not considered a harmful addition given the variety of additions to properties in the immediate local area. It is considered the design of the changes to the garage roof is sensitive to the street scene.

The installation of a rear dormer does not require planning permission. However it has been well designed in that it maintains the profile and shape of the original roof and has a greater design merit than a rear box dormer, this element will not be visible from public vantage points and therefore is considered acceptable.

Overall, the proposed alterations do not significantly change the character of the property and in term of scale and design, the proposed alterations are considered to fit with the character of the street scene. It is therefore considered that the proposals comply with Neighbourhood plan policy KP13 and Local Plan Policy BE1.

Impact on the amenity of the neighbours

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 Council's Residential Design Guide SPG 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 a neighbouring property. This serves to protect the extent to which neighbours can enjoy their own dwellings without undue disturbance or intrusion from nearby uses. There is no breach of the 45-degree line as a result of this proposal

The Council's Residential Design Guide SPG also details that a minimum of 22m is required between the rear of a bungalow to the rear of a two storey dwelling for privacy. This property comfortably meets the rear to rear distance separation guidance and it is considered the proposals will not result in harm to the privacy of neighbours to the rear on Windy Arbour.

Neighbours to the either side have also commented regarding a loss of privacy however since the dormer windows are well set in from the edge of the roof the most private parts of the gardens closest to the properties will not be visible from these windows. The proposals will not result in an unacceptable loss of privacy to the neighbouring uses.

It is important to recognise that the rear dormer window and roof lights could be installed on this property without the need for planning permission.

It is therefore considered local plan policy BE3 is complied with

Parking

Many objections include concerns over parking and increased traffic. As a result of the development, there is an increase from one bedroom to three bedrooms Under the Council's adopted parking standards 2 spaces are required to be provided on site for a three bedroom property, excluding the garage. The current driveway can accommodate 2 cars, it is also noted there is enough hard standing on site to formally accommodate more than 2 cars if the applicants wished to convert this into parking space no additional permission would be required.

It is therefore considered that the proposals comply with Local Plan Policy TR3 and the Council's adopted parking standards.

Ecology

The large conifer tree referred to by the objectors is not protected by a TPO the tree falls outside of the ownership boundary and there is a solid boundary fence between the development and the tree and the proposals will have no impact on the safety and life of this tree.

Following a bat survey Warwickshire County Council Ecology have confirmed the imposition of explanatory notes relating to protected species is a sufficient protective measure.

The proposal therefore complies with Local Plan Policy NE2.

Summary

As set out above, the proposals are considered to be compatible with the character of the street scene and are compliant with policy BE3 in terms of residential amenity. The proposals also comply with all other Local Plan policy requirements and for these reasons it is recommended that planning committee grant this planning application subject to the following 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 1917 RP 01, 1917 RP 03, 1917 RP 02 , and specification contained therein, submitted on 16/07/2019. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no part of the dwellinghouse shall be rendered other than as shown on the approved drawings. **REASON:** To secure a satisfactory form of development in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

Planning Committee: 08 October 2019

Item Number: 10

Application No: [W 19 / 1226](#)

Town/Parish Council: Kenilworth

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 07/08/19

Expiry Date: 02/10/19

7 and 8 Pears Close, Kenilworth, CV8 1BS

Construction of four detached dwellings and a double garage, creation of a new access and all associated works, including the demolition of a dwelling (no.8 Pears Close) and demolition of a single storey extension at no.7 Pears Close (resubmission of W/19/0562). FOR Oakwood Residential Developments

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

RECOMMENDATION

Planning Committee are recommended to grant planning permission, subject to the conditions listed in the report and the signing of a satisfactory unilateral undertaking to secure biodiversity offsetting.

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

Should a satisfactory Section 106 Agreement not have been completed by 5th November 2019, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

The application seeks full planning permission for the construction of four detached dwellings and a double garage, including the creation of a new access and associated works, including the demolition of a dwelling (no.8 Pears Close) and demolition of a single storey extension at no.7 Pears Close.

This is a resubmission of W/19/0562 and has been amended from the provision of five detached dwellings to four.

THE SITE AND ITS LOCATION

The application relates to garden land mainly serving 7 & 8 Pears Close which are two existing detached dwellings positioned at the end of a small cul-de-sac. The

wider area is predominantly residential, and the Finham Brook lies to the south of the site.

PLANNING HISTORY

W/17/2250 - application withdrawn for the erection of 3no. four bedroom two storey dwelling houses, 3no, single storey detached garages and associated works including the demolition of 1no. single storey detached garage ancillary to no. 8 Pears Close.

W/18/0739 - planning permission refused for the erection of 3no. four bedroom two storey dwelling houses, 3no, single storey detached garages and associated works including the demolition of 1no. single storey detached garage ancillary to no. 8 Pears Close (resubmission of W/17/2250).

W/19/0562 - planning permission refused for the construction of five detached dwellings, a double garage and a car port, creation of a new access and all associated works including the demolition of a dwelling (no.8 Pears Close) and demolition of a single storey extension at no.7 Pears Close.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Neighbourhood Plan
- Kenilworth Neighbourhood Plan
- Kenilworth Design Advice (Shops, Warwick Road area)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Objection, contrary to Local Plan policy H1 as development on garden land which does not harmonise well with the surrounding area; the design and layout is not respectful of the area including its effect on No 9 and the adjoining Gloster Drive and is contrary to the Kenilworth Neighbourhood Plan policy KP13(b); the proposals do not fit with the symmetry or character of the area; the high density of housing will lead to domination of car parking provision contrary to parking standards SPD para 2.23 and the danger of further street parking which is already overburdened by on street parking due to its proximity with Abbey Fields and High Street with further adverse impact on the streetscene; the loss of two remaining trees completes the removal of seven trees with TPOs from this site following the previous mistaken removal of five all of which were an essential part of the character of this area; concerned by the flood risk and have highways safety concerns with the danger of tandem parking and the additional traffic which will be generated; any proposed development would be on a higher level and directly overlook property in Gloster Drive.

Environmental Protection: No objection, subject to conditions.

Waste Management: No objection to amended plans.

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

WCC Landscape: No objection, a full landscaping and tree replacement plan is required.

WCC Highways: Objection.

WCC Ecology: No objection, subject to the provision of a contribution of £20,258 to establish an offsetting scheme and conditions.

Tree Officer: No objection.

Public Responses: 12 Objections:

- The proposal is contrary to Local Plan policy H1 and Kenilworth Neighbourhood Development Plan policy KP13(b) as it represents backland development.
- Disproportionate development which is out of character with the existing environment.
- The proposal doesn't adopt the design principles of the Neighbourhood Plan.
- Overdevelopment of the site which doesn't complement the town plan;
- Housing density is out of keeping with Pears Close.
- Cramped and contrived form of development.
- Impact on neighbouring residential amenity: loss of privacy, loss of light, increased noise disturbance, increased light pollution, visual intrusion.
- The development would have a negative impact on the functionality of the area as it would impact on highway and pedestrian safety: the proposed feeder road crosses a pedestrian pathway; visibility is compromised due to on street parking; access is compromised due to the width of the road; the addition of a feeder road will add traffic to the existing island; hazardous road layout;

construction traffic will cause highway safety and access issues; a Construction Management Plan will not resolve the access and highway safety issues identified; the proposed access relies on a hedge being removed from 9 Pears Close which the owners do **not** agree to; access for refuse and emergency vehicles is inadequate; suggestion of traffic control measures such as residents permit parking zone / double yellow lines

- Appraisal of FFLs are difficult, section drawings are required.
- Inaccurate details contained within the Planning Statement (length of existing gardens, distance separation).
- The development would set a harmful precedent.
- Loss of trees and concern regarding Council's Tree Officer comments.
- Impact on wildlife.
- Increase in air pollution.
- Increased litter and inadequate provision for waste collection.
- Inaccurate / misleading information provided by the applicant.
- Increased security concern to 9 Pears Close as rear garden would be exposed, being contrary to Local Plan policy HS7.
- Sewerage system will not be able to cope with the additional housing.

ASSESSMENT

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

- Principle of the Development
- Impact on the Character and Appearance of the Area
- Impact on Neighbouring Residential Amenity and Amenity of the Future Occupiers of the Dwellings
- Parking and Highway Safety
- Waste Management
- Trees
- Ecology
- Flood Risk and Drainage
- Other Matters

Principle of the Development

There have been objections from the Town Council and members of the public that the proposed development would be contrary to Local Plan policy H1 in relation to the direction of new housing. Members of the public state that the site is not a windfall or brownfield site, and represents backland development.

Local Plan policy H1 states that new housing development will be permitted within the urban areas. Kenilworth is identified as being an urban area on the proposal maps and therefore meets this criteria. Policy H1 goes on to state that housing development on garden land will not be permitted unless the development reinforces, or harmonises with the established character of the street and locality, and respects surrounding buildings in terms of scale, height, form and massing.

The proposed development would provide a net gain of three detached dwellings on garden land. The established character of the wider area benefits from properties with large gardens and the prevailing character is that of dwellings with street frontages. Under a previous scheme (W/18/0739) for three additional

dwellings, this was refused as it was considered to be at odds with this established character as it would have significantly reduced the size of the garden serving 8 Pears Close in relative comparison to the size of the existing dwelling and relationship with nearby similarly sized properties along Pears Close. The development was considered to appear incongruous and out of keeping with the nearby traditional street frontage development and was considered to represent backland development.

The most recently refused scheme (W/19/0562) provided a private road which served all of the dwellings, giving the properties a street frontage. This represented an improvement to the previous scheme. The plots running parallel to Gloster Drive were considered to be of an appropriate scale and akin to the size of some of the properties both along Pears Close and neighbouring streets. The size of the amenity areas serving the existing properties along Pears Close varies and the garden areas appeared reasonable for the scale of the dwellings and similar to those found within the area surrounding the site. The plots running parallel to Gloster Drive were considered to sit comfortably with the existing pattern of development and did not represent backland development. The current scheme retains this element of the previous scheme.

The existing dwelling at 8 Pears Close would be demolished in order to provide additional space to allow for the access and highway serving the proposed dwellings. Under the previous scheme, in its place a smaller dwelling would have been constructed. This plot would have been far narrower than the other proposed plots and also much narrower than the plots serving the existing dwellings within the street scene. This additional plot was considered to create a cramped and contrived form of development which did not sit well within the existing street scene, thus creating overdevelopment of the site. This element has now been removed from the proposal.

The development would provide a net increase of three dwellings (following the removal of one of the properties along Pears Close). The four new dwellings would be appropriately positioned, creating essentially an extension to the existing cul-de-sac. The size of the dwellings themselves do not appear out of keeping with the existing pattern of development and they would each have their own street frontage. The proposal is considered to harmonise well with the existing character of the area and is not considered to be contrary to Local Plan policy H1.

The impact on the Character and Appearance of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design

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

There have been objections from members of the public that the proposed development is disproportionate and out of character with the existing environment in terms of density and layout; that the proposal represents over development of the site; and that the proposal would be cramped and contrived. The Town Council have concerns that the design and layout is not respectful to the area and contrary to Kenilworth Neighbourhood Development Plan (KNDP) policy KP13 (b). The Town Council also consider that the proposals do not fit in with the symmetry of the area.

KNDP policy KP13 (b) states that development should have a positive response to the site characteristics and surroundings in terms of the proposed layout, density, building scale, height, proportions, massing, orientation, architectural detailing, materials and landscape.

The architectural narrative within Pears Close is mixed and there are a variety of styles and materials which can be found within the street scene. However, there is a common feature that the properties are all relatively generous detached dwellings in large plots, particularly within this section of the street scene. The proposed dwellings take inspiration from some of the design features found within the wider street scene such as front gable projections and chimneys. The use of brick and tiled roofs are appropriate materials which would not appear out of keeping within the wider area. It is noted that WCC Landscape have no objection to the proposal, subject to conditions.

As stated above, the submitted scheme is not considered to be harmful to the character of the area. The density and layout of the site is similar to that of Gloster Drive which would run parallel to the development and also to properties further along Pears Close. The development provides relatively large detached dwellings (a common feature of Pears Close), within ample plot sizes. The development would alter the appearance of this section of Pears Close, by removing one of the existing detached dwellings, however, this does not mean to say that the development would be harmful. It has been designed to accord and respect the existing mixed character of the area and provide dwellings which are of a scale and design which correspond well with the nearby development. Following the removal of the narrow plot which would have replaced the house which is to be demolished, the development would not appear contrived, or cramped.

Therefore, the proposed development is considered to be in accordance with Local Plan policy BE1 and policy KP13 of the KNDP.

Impact on Neighbouring Residential Amenity and Amenity of the Future Occupiers of the Dwellings

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or

intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of the nearest front or rear facing habitable room of a neighbouring property.

KNDP policy KP13 states that the impact on residential amenity of existing and future residents must be assessed and addressed.

There have been objections from members of the public that there would be disruption caused during construction works (noise and air pollution and increased rubbish); there would be a detrimental impact on neighbouring residential amenity (overlooking, loss of outlook, loss of light, overbearing development, noise disturbance, finished floor levels, light pollution from headlights and proposed dwellings); and that the distance separations plotted on the plans are incorrect. Furthermore, members of the public also consider that the proposal conflicts with the NPPF and Local Plan policy BE1 because it fails to positively contribute to Pears Close being a better place to live as a result of increased traffic. The Town Council also express concern relating to the impact of the development on neighbouring residential amenity.

Under the previous scheme which was similar to the current application, it was considered that the relationship with the properties along Gloster Drive and the proposed dwellings was acceptable. The same level of distance separation between the properties has been maintained under this application. It is recognised that the site levels drop towards the rear of the site. However, the land levels do not drop towards the properties along Gloster Drive. Therefore, the proposed levels of overlooking and privacy are considered to be similar in relative terms to that which already exist and would not be worsened by the proposed development to an extent which would warrant reason for refusal of the application, as the required distance separations are met.

For example, 7 Pears Close lies opposite to 25 Gloster Drive. The relationship between the proposed dwellings and the properties along Gloster Drive would be similar to this relationship, which is considered to be acceptable. Members of the public have stated that the section drawings provided are difficult to read and do not provide enough information. Further section drawings were therefore provided by the applicant in order to address these concerns. These show that the finished floor levels of the proposed dwellings would be somewhat higher than those of Gloster Drive, but importantly at first floor this would be 0.95 metres higher than the property which it would be opposite and again, similar to the relationship already at 7 Pears Close.

Furthermore, there would be no conflict with the Council's adopted 45 degree guidance from any of the neighbouring properties (or between the proposed dwellings) as a result of the proposed development. As the site is already located within a predominately residential area, the increase of three dwellings is not considered to cause substantial light or noise pollution which would warrant reason for refusal of the application. It is noted that Environmental Health Officers have requested a condition for the provision of a Construction Management Plan to

manage the impact of demolition and construction works on nearby residents, which is considered to be reasonable and will be added.

In order that the flat roof rear extensions are not used as balconies which would create opportunities for overlooking and loss of privacy, a condition will be added limiting the use of these.

Concern was raised previously in relation to the proximity of the proposed access to one of the proposed dwellings. As this proposed dwelling has now been removed from the scheme and there is a buffer between the existing residential dwelling neighbouring the site and the proposed access, this no longer presents a reason for refusal of the application.

The proposal would provide adequate levels of amenity for the future occupiers of the dwellings. Each dwelling would have access to adequately sized private amenity areas which meet with the requirements of the Residential Design Guide.

For these reasons the proposed development is considered to be in accordance with the NPPF, adopted Local Plan policy BE3 and KNDP policy KP13.

Parking and Highway Safety

There have been objections from the Town Council that the high density of housing will result in high levels of cars parking on the street, with an adverse impact on the street scene. They consider this to be contrary to the Vehicle Parking Standards and they also have highways safety concerns with the danger of tandem parking and the additional traffic which will be generated. Members of the public consider: that the proposal will result in increased traffic congestion with potential harm to highway and pedestrian safety; that refuse and emergency vehicles will not be able to enter and leave the site safely; suggest a residents' parking scheme or double yellow lines to aid traffic congestion and parking; request improvements to Pears Close through financial contributions; the proposed feeder road crosses a pedestrian pathway; visibility is compromised due to on street parking; access is compromised due to the width of the road; the addition of a feeder road will add traffic to the existing island; hazardous road layout; construction traffic will cause highway safety and access issues; a Construction Management Plan will not resolve the access and highway safety issues identified; the proposed access relies on a hedge being removed from 9 Pears Close which the owners to do agree to; members of the public also note that the roundabout at the end of Pears Close is in need of refurbishment.

Under the previous application, the layout of the access was amended to accommodate WCC Highways requests, and they subsequently withdrew their objection. The proposed access has been amended under this scheme as one of the proposed dwellings was removed. WCC Highways have objected to the proposal, noting that Pear's Close currently terminates in a turning circle which takes the form of a mini roundabout. Although not signed or demarked, it would be expected that vehicles using the Close would follow the Highway Code and travel clockwise around the feature. The proposed access point is configured to encourage vehicles to enter the development site by travelling anti clockwise around the turning circle to enter the site. An inherent lack of inter-visibility

between vehicles entering and leaving the site could result in vehicle conflict to the detriment of the safety of highway users.

The applicant has amended the proposed plans which have been sent to WCC Highways for consideration. Officers anticipate a response shortly and Councillors will be updated on this matter prior to the meeting. Adequate parking is provided which meets with the Council's Vehicle Parking Standards guidance and cycle parking could be accommodated within the site boundaries.

Waste Management

Members of the public have objected to the proposal as it would result in increased littering and inadequate provision for waste collection.

As amended, Waste Management have no objection to the proposed development and adequate waste and recycle storage can be accommodated within the site boundaries. As adequate waste storage has been provided, it is unlikely that the proposed additional dwellings would result in increased littering within the wider area.

Trees

Concern has been raised by members of the public regarding the loss of TPO trees on the site prior to the submission of the application and as part of the proposals. The Town Council also note that the loss of two remaining trees completes the removal of seven trees with TPOs from this site following the previous mistaken removal of five all of which were an essential part of the character of this area.

Many of the trees were felled on site following a letter received by former owner of the site in 2007 from the Council which stated that TPO W9 K1 had been revoked. The letter was however not clear and did not state that 1982 TPO 63 was still in place, and the former owner removed the trees on site on the understanding that all the TPOs had been revoked. The Council's Enforcement Team have investigated this matter and determined that no further action is required. As part of the proposed development, further TPO trees would need to be removed to facilitate the development. It is however noted that tree replacement planting is proposed to mitigate this loss.

The Council's Tree Officer has been consulted regarding the proposed tree removal and has no objection to the proposal, subject to the development being carried out in accordance with the details contained within the tree plan provided. Whilst the loss of further trees is regrettable, the Council's Tree Officer has confirmed that their removal is acceptable, stating that the trees to be removed are, "of unremarkable appearance or condition" and with little useful lifespan. It would be unreasonable of the Council to insist on the retention of trees with such low amenity value. Furthermore, the Tree Officer notes that retention of the trees could also cause nuisance to the future occupiers of the proposed development, causing risk or damage to the properties or pedestrians. The development is therefore considered to provide adequate measures in reference to trees and is in accordance with Local Plan policies NE2 and NE5.

It is noted that WCC Landscape have requested a full landscaping and tree replacement plan. For the reasons stated above, it is not considered reasonable to insist on a tree replacement plan. However, and hard and soft landscaping plan will be secured.

Ecology

There have been concerns raised by members of the public in relation to the impact on wildlife and "green corridor".

The proposed development would involve the demolition of an existing dwelling and also construction of more built development on the site. Bat surveys, details on how the local water supply would be protected and how biodiversity gain would be achieved have been provided by the applicant. WCC Ecology have assessed this information and requested the inclusion of conditions requiring the provision of a Construction and Ecological Management Plan and a lighting scheme to any approval. These are considered to be reasonable and will be added.

However, they also note that the proposal would not result in a biodiversity gain which was established by a Biodiversity Impact Assessment carried out by WCC Ecology. They note that there would be very little scope for habit creation and enhancement within the new layout of the site and therefore, biodiversity loss would have to be compensated for via biodiversity offsetting, which is calculated at £20,258. This would have to be secured via a Section 106 Agreement or Unilateral Undertaking. The applicant has agreed to enter into a legal agreement to secure the financial contribution which is being drawn up. Subject to this being deemed as acceptable by the Council's Legal Services Department and signing of the document, the proposal is considered to be in accordance with the NPPF and Local Plan policy NE3.

Flood Risk and Drainage

Members of the public consider that the proposal would increase the pressure on the flood plain and increase the risk of flooding. The Town Council also expresses concern regarding flood risk.

The very edge of the site is located within Flood Zone 3, and there will be no development within this part of the site. WCC Local Lead Flood Authority have no objection to the proposal, subject to conditions requiring the development to be carried out in accordance with the details submitted and the provision of a detailed surface water drainage scheme. These conditions are considered to be reasonable and could be added if the application were being approved.

The proposal is therefore considered to be in accordance with the NPPF, Local Plan policies FW1 and FW2 and KNDP policy KP12.

Other Matters

Members of the public have expressed concerns that the existing sewerage system may not be able to cope with the additional demands as a result of the proposed development. This matter would be dealt with at Building Regulations stage and does not form a material part of the consideration of this application.

The anticipated vehicle use by residents of the new development is likely to cause an incremental increase in traffic in areas of poor air quality within the district. To offset this it is recommended that the developer is required to provide electric vehicle charging facilities for the new dwelling. The details submitted indicate that these would be provided. A condition will be added to secure this.

Members of the public have raised concerns regarding increased security risk to 9 Pears Close as the rear garden would be exposed as a result of the demolition of 8 Pears Close, which is contrary to Local Plan policy HS7. However, the relationship which 9 Pears Close would have with the proposed access road is not uncommon, and similar to any site which occupies a corner plot. Therefore, it is not considered that this represents a reason for refusal of the application.

Members of the public consider that approving the development would set a harmful precedent. However, for the reasons outlined above, it is not considered that the proposals represent a harmful form of development.

Conclusion

The proposal is considered to have overcome the reasons for refusal identified under the last submission. The proposal would provide 3 additional dwellings which have been designed to sit comfortably within the street scene and do not represent back land development. The proposals would have an acceptable ecological impact and would not have a detrimental impact on neighbouring residential amenity which would warrant reason for refusal of the application. Subject to WCC Highways confirming that they have no objection to the amended plans, the proposed development should be approved.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 2389.1120 Rev P1, 2389.1100 Rev P1, 2389.1105 Rev P1, 2389.1150 Rev P1, 2389.1200 Rev P1, 2389.1205 Rev P1, 2389.1220 Rev P1 submitted on 19th July 2019 and amended drawing 2389.1000 Rev P2 submitted on 13th September 2019, and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby permitted, including site clearance work, shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition the LPA expect to see details

concerning pre-commencement checks for badger, bats, breeding birds and otter and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction Environmental Management Plan shall thereafter be implemented in full. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

- 4 No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of tree, shrub and hedgerow planting, location of bat boxes, bird boxes and hedgehog access gaps in new fences. The agreed scheme to be fully implemented before/during development of the site as appropriate. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: hours of work (including noisy activities and deliveries); control of noise measures; the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. There shall be no burning on site. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.
- 6 The development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first

occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 7 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
 - Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - Provide evidence that the Environment Agency consent to a new connection and outfall into the Finham Brook.
 - Provide and implement a maintenance plan to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

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

- 8 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.

- 9 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 10 No development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **REASON:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 11 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.
- 12 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or

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

- 13 The development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment and Drainage Strategy Addendum submitted with the application. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme. **REASON:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with policies FW1 and FW2 of the Warwick District Local Plan 2011 - 2029.
- 14 No lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the southern edge of the site and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. **REASON:** To ensure that any lighting is designed so as not to detrimentally affect protected species in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.
- 15 The single storey flat roof area of Plots 1, 2 and 3 hereby permitted shall not be used as a balcony, roof garden or similar amenity area. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 16 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 08 October 2019

Item Number: 11

Application No: [W 19 / 1254](#)

Registration Date: 23/08/19

Town/Parish Council: Beausale, Haseley, Honiley & Wroxall
18/10/19

Expiry Date:

Case Officer:

George Whitehouse

01926 456553 george.whitehouse@warwickdc.gov.uk

Old Folly Barn, Kites Nest Lane, Beausale, Warwick, CV35 7PB

Retention of carport and shed outbuilding within the curtilage FOR Mr & Mrs
Rawden

This application has been requested to be presented to Committee by Councillor Illingworth and has the support of Beausale, Haseley, Honiley & Wroxall Parish Council.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the retention of carport and shed outbuilding forward of the principal elevation of the dwelling within the curtilage.

THE SITE AND ITS LOCATION

The application site occupies an open countryside location, in the West Midlands Green Belt. Access is taken off Kites Nest Lane. The property is a converted barn.

Through the permission for its conversion the barn had permitted development rights removed for Parts 1 and 2 of Schedule 2 of the GPDO 2015 since the consideration was made that any further development carried out could detract from the appearance of the rural conversion.

PLANNING HISTORY

W/12/1424 - Planning permission granted to convert the existing agricultural building to a dwelling, including lowering the ground floor inside the building in order to increase the head height in the building with some excavation around the building such that the undercroft would be set within a basin with a sunken terrace infilling the 'L' shaped footprint of the building.

W/13/1442 - Planning permission granted to convert the existing agricultural building (amendment to W/12/1424 to include a basement level for storage

purposes). The basement was designed such that externally it would not be apparent that there was a basement level.

W/14/1263 - Conversion of barn to a single residential dwelling (amendment to previously approved application ref: W/13/1442 to make alterations to the basement level): Granted 18/11/14

W/16/0839 - Removal of condition 7 under W/14/1263 to allow slim line matt black metal frames instead of timber.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenities (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Beausale, Haseley, Honiley & Wroxall Parish Council: Support

CLlr Illingworth: Application should be decided by the Committee

Public: Two letters of public support, making the following points:

- no impact on openness;
- not visible from the road;
- complies with 30% limit;
- essential facility for security reasons;
- in keeping with character of the area; and
- has been designed to a high standard.

ASSESSMENT

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

The NPPF states that new buildings in the Green Belt are inappropriate.

The applicants argue that due to the closeness of the outbuildings to the dwelling they should be treated as extensions to the dwelling. However, although the applicants maintain that the car port is 6m from the dwelling, by measuring the

shortest distance to the buildings on the plan provided they sit at 7.2m and 22.1m for the car port and shed respectively.

The applicants have provided some appeals to support this case as well as making reference to DAWES judgement which details "that a domestic outbuilding may be regarded as an extension to a dwelling provided that it forms a 'normal domestic adjunct'"

However, in the current case the proposed outbuildings are detached, forward of the principal elevation of this dwelling and outside of the area that could be considered a normal domestic adjunct where extensions to the dwellings would usually be found. Therefore visually, physically and functionally both outbuildings are clearly separate buildings that cannot be considered to be extensions.

Therefore these must be treated as new buildings within the Greenbelt and that comprise inappropriate development by definition.

The applicants raise the fact that due to the boundary treatment that surrounds the site the outbuildings are not visible from the road and therefore the proposals do not harm the openness of the Green Belt, since they cannot be easily viewed in the street scene. However, whether the proposed outbuildings can be seen or not from the street is not relevant to considering harm to openness and in any case the NPPF details that new buildings in the green belt are inappropriate. The buildings are not insubstantial structures that would result in a reduction in the openness of the Green Belt.

In addition to this the Council recently challenged an appeal decision where an inspector allowed a 4 bay car garage on the grounds that it could be considered as an extension to the dwelling. The courts quashed the Inspector's decision and also awarded costs to Warwick District Council as it considered the inspector had misinterpreted NPPF paragraph 145 (c). This related to application no. W/18/1550.

In conclusion on this issue, the proposals constitute as inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances have been presented which would outweigh the harm identified.

Design and Impact on the streetscene

In the planning statement the applicants detail that the development is screened by a 2m close boarded fence and hedges.

There is no evidence of the close boarded fence ever being granted planning permission. The most recently approved landscaping plans under application W/14/1263 do not explicitly refer to any hard fencing surrounding the application site however it shows an annotated brown line which is clearly the post and wire fence at the height of 0.95m which is detailed on the approved site plan.

Although the hedgerow is mature the two timber outbuildings would be visible in front of the dwelling and in front of the general building line of this part of Kites

Nest Lane if the unauthorised close boarded fence is discounted. This is harmful to the street scene, adds clutter forward of the principal elevation of the dwelling and general building line of the lane and is therefore contrary to local plan policy BE1.

Other matters

The buildings are far enough from neighbouring dwellings to ensure no adverse neighbour impact.

Summary

The outbuildings are considered to be new buildings in the Greenbelt since they are visually, physically and functionally sperate from the dwelling. In addition to this the proposed outbuildings are forward of the general building line and harmful to the street scene. It is considered the proposed outbuildings do not comply with the NPPF or Local Plan Policy BE1

Therefore it is recommended that the Committee refuse planning permission.

REFUSAL REASONS

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

The proposed development is therefore contrary to the National Policy Framework

- 2 Policies BE1 of the Warwick District Local Plan 2011-2029 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design.

The proposals include the erection of two new buildings forward of the principal elevation of the dwelling and the general building line of this part of Kites Nest Lane. In this position the buildings is not in keeping with the established pattern of development in the locality. Consequently the proposals harm the character and appearance of the area.

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