

## Planning Committee Tuesday 12 January 2021

A meeting of the above Committee will be held remotely on Tuesday 12 January 2021, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor Boad (Chairman)  
Councillor Morris (Vice Chairman)

Councillor M Ashford  
Councillor R Dickson  
Councillor T Heath  
Councillor O Jacques  
Councillor J Kennedy

Councillor V Leigh-Hunt  
Councillor N Murphy  
Councillor N Tangri  
Councillor J Weber

### Agenda Part A – General

#### 1. Apologies & Substitutes

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

#### 2. Declarations of Interest

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

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

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

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

#### 3. Site Visits

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

4. **Minutes**

To confirm the minutes of the meeting held on 1 December 2020.

**(Pages 1 to 16)**

**Part B – Planning Applications**

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

5. **W/20/0760 – WCC County Store Depot and Former Ridgeway School, Montague Road, Warwick**  
**\*Major Application\*** **(Pages 1 to 32)**
6. **W/20/1007 – Unit 3, Holly House, Queensway, Royal Leamington Spa**  
**\*Major Application\*** **(Pages 1 to 15)**
7. **W/20/0735 - 23 Mill End, Kenilworth** **(Pages 1 to 10)**
8. **W/20/1531 – 8 The Close, Royal Leamington Spa** **(Pages 1 to 4)**
9. **TPO 561 – Rear of 7 Dickins Road, Warwick** **(Pages 1 to 3)**

**Part C – Other matters**

10. **Appeals Report** **(Pages 1 to 19)**

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting remotely by joining the remote meeting through their personal device on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at [Speaking at Planning Committee](#) any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (a) 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](mailto: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](mailto:planningcommittee@warwickdc.gov.uk)

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# Planning Committee

Minutes of the remote meeting held on Tuesday 1 December 2020 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

**Present:** Councillor Boad (Chairman); Councillors Ashford, R. Dickson, Heath, Jacques, Kennedy, Leigh-Hunt, Morris, Murphy, Tangri and Weber.

**Also Present:** Principal Committee Services Officer – Mrs Dury; Legal Advisor – Mrs Gutteridge; Manager - Development Services – Mr Fisher; Business Manager – Development Management – Mr Young and Systems and Business Improvement Officer – Mr Martin (observing only).

## 82. **Apologies and Substitutes**

There were no apologies for absence made.

## 83. **Declarations of Interest**

Minute Number 89 - W/20/1217 – 34 Watling Road, Kenilworth

Councillor Kennedy informed the Committee that this application site was in his Ward when the application was being discussed.

## 84. **Site Visits**

There were no arranged site visits made by the Committee but Councillor Dickson independently visited W/20/1217 – 34 Watling Road, Kenilworth but did not speak to anyone whilst conducting this visit.

## 85. **Minutes**

- (a) A correction to minute number 48 on page 92, W/19/1200 – Land at SouthCrest Farm, Crewe Lane, Kenilworth, in the minutes of the meeting held on 6 October 2020 and approved on 4 November 2020 was confirmed. The words "on the site" were replaced with "in the project", which was an accurate reflection of what was said in the meeting when the recording of the meeting was checked.
- (b) The minutes of the meeting held on 20 October 2020 were taken as read and signed by the Chairman as a correct record.
- (c) The minutes of the meeting held on 21 October 2020 were taken as read and signed by the Chairman as a correct record.
- (d) The minutes of the meeting held on 4 November 2020 were taken as read and signed by the Chairman as a correct record.

## 86. **W/20/0729 – 4 Risdale Close, Royal Leamington Spa**

The Committee considered an application from Mr Griffin for the application of render to the front and rear elevations of a dwelling house.

## PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee because of the number of comments in support received from members of the public when the recommendation was that the application should be refused.

The officer was of the opinion that the character and appearance of the street scene was strongly unified through dwellings of brick and tile construction, with an element of hanging tiles as a feature. There was no render in the street scene. As such it was considered that the proposal to render the front elevation of the application property would appear at odds with the street scene.

An addendum circulated prior to the meeting advised that the applicant had provided a data sheet giving details of the EWI (External Wall Insulation) system that was proposed to be fitted underneath the render, to improve the thermal properties of the building. The applicant had highlighted that this element of the proposal aligned with Kenilworth Town Council's comment on the development being a 'positive opportunity for the installation of external insulation'.

Whilst it was appreciated that the proposed EWI system could decrease heat transfer through the front and rear elevations of the property, the benefits of this system were not considered to outweigh the harm that the proposed development would have to the character of the street scene. The brick side elevations of the dwelling were proposed to be retained and it was noted that there were a variety of alternative means by which home-owners could improve the thermal efficiency of a building, such as internal wall and roof insulation. External wall insulation was not the only option for this dwelling and officers considered that benefits derived from the proposed EWI did not outweigh the reasons for refusal.

Mrs White from LW Planning, addressed the Committee on behalf of the applicant.

The Legal Officer advised that under the NPPF, paragraph 127 and policy BE1, planning decisions should ensure that on balance, the proposal was appropriate; did it harmonise and contribute to the development of the area. Members were also informed that the case officer had discussed partial rendering at the front as a possibility that might prove more acceptable if an application was made. Members were advised that granting this application might form a precedent for further applications in other streets where there might be uniformity in design.

A motion to grant the application was defeated.

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

The Committee therefore

**Resolved** that W/20/0729 be **refused** because the NPPF (2019) places an increased emphasis on the importance of achieving good quality design as a key

## **PLANNING COMMITTEE MINUTES (Continued)**

aspect of sustainable development. Paragraph 127 states that planning decisions should ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. It also states that decisions should ensure that developments are sympathetic to the local character, while not preventing or discouraging appropriate innovation or change. Lastly, it is stated that development should maintain a strong sense of place by using building materials which create attractive, welcoming and distinctive places to live work and visit.

Local Plan Policy BE1 echoes paragraph 127 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use, and to reinforce or enhance the established urban character of streets. In addition, proposals should reflect, respect and reinforce local architectural distinctiveness through the incorporation of important existing features into the development by adopting appropriate materials and details.

Neighbourhood Plan policy RLS4 relates to housing character outside of the conservation area. In residential areas, the policy requires applicants to demonstrate how proposals have taken into account and responded to the predominant character (including local building styles and materials) in the street/road/locality within which the proposed development is situated.

The predominant and prevailing character of Risdale Close comprises dwellings which are uniform in design with regard to their external facing materials. The mixture of brick and hanging tiles is a consistent design feature and bright-white render does not currently make a contribution to the material palette within this street.

In the opinion of the Local Planning Authority the proposal would appear in stark contrast as an alien and incongruous feature in the context of the uniform use of brick and tile construction and would result in harm to the character and appearance of the street scene. The excessive extent of render proposed would cause the dwelling to appear overly prominent within the street scene, thus it is considered that the development would have a negative impact on the character of the street scene.

## PLANNING COMMITTEE MINUTES (Continued)

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

### 87. **W/20/1264 – The Lodge, Wattcote Farm, Manor Lane, Wroxall**

The Committee considered a retrospective application from an H Parkin for a change of use from a residential dwelling (C3) to a Pilates studio (D2).

The application was presented to Committee because the recommendation was that the application should be refused, but Beausale, Haseley, Honiley & Wroxall Parish Council supported the application.

The officer was of the opinion that the proposal was considered to provide an unsustainable form of development within the open countryside and was therefore considered to be contrary to Local Plan policies CT1, CT4 and EC2. The recommendation was that the change of use should be refused.

Mr Bennett, representing the applicant, addressed the Committee.

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

The Committee therefore

**Resolved** that W/20/1264 be **refused** because Local Plan policy CT1 sets out a sequential approach to the location of new leisure development, with the preference being town centre locations and sites that are accessible by modes of transport other than the private car.

There has been no sequential assessment of the availability of existing town centre sites which could accommodate the proposed use. Furthermore, it has not been demonstrated that the site can be accessed using sustainable forms of transport, or that the proposal is of a type and scale that would serve an identified community need.

The proposal is therefore considered to provide an unsustainable form of development which is contrary to Local Plan policy CT1.

### 88. **W/20/1190 – 90 Queensway, Royal Leamington Spa**

The Committee considered an application from Shire Developments Limited for the demolition of the existing semi-detached houses and the erection of a residential block containing nine apartments.

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

## PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that the proposal represented the efficient use of an under-utilised site which would provide additional residential accommodation in a sustainable location. Parking was provided on site, in accordance with the requirements of the Vehicle Parking Standards. The development would have an acceptable impact on neighbouring amenity and ecology, and would provide adequate living conditions for the future occupiers. The recommendation was therefore that the development should be approved.

The officer advised Members that a Sustainability Condition had not been included in the report and that they should consider its inclusion to ensure implementation of such measures, in accordance with the recommendations contained in a Sustainability Report that the applicant had submitted.

Officers also advised that Members may also wish to include a Condition to ensure net biodiversity gain to meet the requirements of the NPPF.

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

The Committee therefore

**Resolved** that W/20/1190 be **granted** subject to the following conditions:

- | <b>No.</b> | <b>Condition</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)        | the development hereby permitted shall begin not later than three years from the date of this permission. <b>Reason:</b> 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 1010-10 Rev F, 1010-11 Rev C, 1010-12 Rev C, 1010-13 Rev B and 1010-14 Rev C submitted on 13th November 2020, and specification contained therein. <b>Reason:</b> For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (3)        | the development hereby permitted shall not commence unless and until tree protection / mitigation measures have been submitted to and approved in writing by the LPA and the approved measures have been put into place. The approved measures must remain in place for the duration of construction works. The information to be submitted for all of the                                                                                                                              |



**PLANNING COMMITTEE MINUTES (Continued)**

<b>No.</b>	<b>Condition</b>
	<p>trees within the site as well as those off-site trees affected by the proposed demolition and re-development must include:</p> <ul style="list-style-type: none"><li>a] an arboricultural implications assessment, arboricultural method statement and tree protection plan in accordance with Clause 7 of British Standard BS5837 - 2012 Trees in Relation to Design, Demolition &amp; Construction which also includes any proposal for pruning or other preventative works</li><li>b] an arboricultural site monitoring protocol that will confirm to the local planning authority by independent examination that the agreed tree protection measures are in place for the duration of the development.</li></ul> <p><b>Reason:</b> 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;</p>
(4)	<p>the development hereby permitted shall either:</p> <ul style="list-style-type: none"><li>a) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.</li><li>b) Not commence until a qualified ecologist has been appointed by the applicant to inspect the building and vegetation on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by the ecologist. <b>Reason:</b> 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;</li></ul>
(5)	<p>no development shall be carried out above slab level 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 treatments, including full details of the proposed boundary walls,</p>

**PLANNING COMMITTEE MINUTES (Continued)**

<b>No.</b>	<b>Condition</b>
	<p>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. <b>Reason:</b> 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;</p>
(6)	<p>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. <b>Reason:</b> 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;</p>
(7)	<p>no development shall be carried out above slab level unless and until a scheme for the provision of roosting features for bats and nesting features for house sparrows and swifts incorporated into the building within the site, has been submitted to and approved in writing by the District Planning Authority.</p>

**PLANNING COMMITTEE MINUTES (Continued)**

<b>No.</b>	<b>Condition</b>
	The scheme to include details of box types, location and timing of works. Thereafter, the features shall be installed and maintained in perpetuity. <b>Reason:</b> To ensure a net biodiversity gain in accordance with NPPF and policy NE3 of the Warwick District Local Plan 2011 – 2029;
(8)	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. <b>Reason:</b> 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;
(9)	the development hereby permitted shall not be occupied unless and until the cycle storage areas for the development has 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 cycles associated with the development. <b>Reason:</b> To ensure the satisfactory provision of cycle storage in accordance with the local planning authority's standards and the satisfactory development of the site in accordance with Policy TR3 of the Warwick District Local Plan 2011-2029;
(10)	the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to potential roosting features of the building to be affected as identified in the Preliminary Ecological Appraisal (dated July 2019). All material is to be removed carefully by hand.

**PLANNING COMMITTEE MINUTES (Continued)**

<b>No.</b>	<b>Condition</b>
	Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. <b>Reason:</b> 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;
(11)	the development shall be carried out in strict accordance with the details of the finished floor levels as shown on the approved plans or any subsequently approved amendments. <b>Reason:</b> 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;
(12)	the development hereby permitted shall not be occupied unless and until the 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. <b>Reason:</b> 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;
(13)	no dwelling hereby permitted shall be occupied unless and until the car parking provision for that dwelling has been

**PLANNING COMMITTEE MINUTES (Continued)**

<b>No.</b>	<b>Condition</b>
	constructed or laid out, and made available for use by the occupants to the dwelling and thereafter those spaces shall be retained for parking purposes at all times. <b>Reason:</b> To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029;
(14)	the development hereby permitted shall not be occupied unless and until the noise mitigation measures detailed within the Walnut Acoustics report (Ref. WA/0720/NA-404, dated 29/07/2020) have been completed in full accordance with the approved details. The noise mitigation measures shall be retained thereafter. <b>Reason:</b> To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
(15)	prior to the occupation of the dwellings hereby permitted, the electric vehicle charging points shall be installed in accordance with the approved details contained within the air quality mitigation statement (prepared by Richard Noonan Architectural Consultant, Ref. 1010-AQMS-A, dated 25th July 2020). Thereafter the electric vehicle recharging points shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). <b>Reason:</b> To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document;
(16)	the accesses to the site for vehicles shall not be used unless public highway footway/verge crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority. <b>Reason:</b> To ensure that a pavement and verge crossing is available for use when the development is completed thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users

**PLANNING COMMITTEE MINUTES (Continued)**

<b>No.</b>	<b>Condition</b>
	and pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
(17)	the development shall not be occupied until all parts of the existing accesses within the public highway not included in the permitted means of access have been closed and the kerb, footway and verge have been reinstated in accordance with the standard specification of the Highway Authority. <b>Reason:</b> 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;
(18)	the development hereby permitted shall only proceed in strict accordance with the approved Construction Management Plan and site compound layout plan. <b>Reason:</b> 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;
(19)	the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted. Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces). <b>Reason:</b> To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

## PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(20)	a condition to ensure net biodiversity gain to meet the requirements of the NPPF; and
(21)	a condition to require the implementation of the sustainability measures as per the sustainability Report submitted by the applicant.

### 89. **W/20/1217 – 34 Watling Road, Kenilworth**

The Committee considered an application from Mr Dixon for the erection of a two storey dwelling (to be attached to No. 34).

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

The officer was of the opinion that the principle of developing this site was acceptable and the development would not give rise to any harm to the general character and visual amenities of the area, nor would there be any impacts on the amenity of neighbouring properties. There would also be no detriment to highway safety.

An addendum circulated prior to the meeting advised that Warwickshire County Council Ecology had reviewed the Bat Survey report submitted and was satisfied that as no evidence of bats was found, a bat note should be attached to any approval granted. The Ecologist also recommended notes relating to nesting birds, hedgehogs and amphibians.

As the development would result in a small loss of biodiversity through reduction of the garden area, to enhance the nature conservation value of the site, it was recommended that bat and bird boxes should be installed on the building or retained trees. This was considered appropriate and would be secured via condition.

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

The Committee therefore

**Resolved** that W/20/1217 be **granted** subject to the following conditions:

- | No. | Condition                                                                                                                                                                                                  |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) | the development hereby permitted shall begin not later than three years from the date of this permission. <b>Reason:</b> 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                                                                          |

**PLANNING COMMITTEE MINUTES (Continued)**

**No.** approved drawing(s) 2013-05 rev A, 2013-06 rev A, 2013-07 rev A, 2013-08 rev A, 2013-09 rev A, and specification contained therein, submitted on 30th October 2020. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

(3)	no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. <b>Reason:</b> To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
(4)	prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). <b>Reason:</b> To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document;
(5)	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



**PLANNING COMMITTEE MINUTES (Continued)**

<b>No.</b>	<b>Condition</b>
	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. <b>Reason:</b> 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;
(6)	a condition for bat and bird boxes to be installed on the building or retained trees. This is considered appropriate because the development will result in a small loss of biodiversity through reduction in garden area, to enhance the nature conservation value of the site; and
(7)	a bat note to be attached and notes relating to nesting birds, hedgehogs and amphibians.

90. **W/18/0643 – Land at Kings Hill Lane, Stoneleigh**

The Committee considered an outline application with access from Lioncourt Strategic Land Limited, Lioncourt Homes (Development No.17) Limited De for a development of up to 2,500 dwellings (C3); 4,000 sq. m. of mixed use floor space (A1, A2, A3, A4, A5, B1, C2, D1 and D2); primary school, secondary school, open space and associated infrastructure.

The application was presented to Committee because authorisation was sought for a small number of revisions to the requirements of a Section 106 agreement relating to the development.

This was a complex agreement relating to a significant development for which Planning Committee resolved to grant permission on 3 December 2019.

A number of parties including the applicant, along with various District and County Council officers, were continuing to work on the agreement with a view to finalising it in the near future. The scale of the work involved and nature of those discussions was such that from time to time, the need for revisions to the agreement were identified.

Planning Committee was asked to note that the overriding purpose in securing this agreement was to ensure that it made provision for all of the

## **PLANNING COMMITTEE MINUTES (Continued)**

infrastructure requirements arising from the development and that they came forward at the appropriate time.

The Planning committee was asked to agree to the recommendation in the report, in order to assist officers to bring the discussions on the Section 106 agreement to a conclusion.

Following consideration of the report, it was proposed by Councillor Ashford and seconded by Councillor Heath that recommendation in the report should be approved.

The Committee therefore

**Resolved** that in respect of W/18/0643, authority be delegated to the Head of Development Services to agree and finalise the revision to the Section 106 agreement as set out in the report with proposed revisions to the requirements of the agreement as follows:

- (1) the revision of the requirement identified by the Coventry and Rugby Clinical Commissioning Group (CCG) for the provision of 0.501 hectares of land for the provision of an on-site health centre to an area of 0.303 hectares which the CCG has subsequently identified as necessary to make that provision;
- (2) the revision of the purpose for the Libraries Contribution so that the contribution shall be used solely for towards improving, enhancing and extending the facilities or services at libraries operated by Warwickshire County Council;
- (3) the inclusion of a review mechanism within the Section 106 Agreement so that the NHS Trust Contributions will not be payable where the High Court rules that such contributions fail to meet the tests for obligations under the CIL Regulations; and
- (4) revisions to build in flexibility to the requirements relating to outdoor sports provision such that should it become necessary, Officers are authorised to agree to either the provision of on-site sports pitches, or alternatively a contribution in lieu of that provision, or elements of both.

**PLANNING COMMITTEE MINUTES (Continued)**

**91. 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 7.55pm)

CHAIRMAN  
12 January 2021

**Planning Committee:** 12 January 2021

**Item Number:5**

**Application No:** [W 20 / 0760](#)

**Town/Parish Council:** Warwick

**Case Officer:**

Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

**Registration Date:** 02/07/20

**Expiry Date:** 01/10/20

**WCC County Store Depot and Former Ridgeway School , Montague Road,  
Warwick, CV34 5LW**

Application for full planning permission for the demolition of existing buildings and construction of 121 dwellings with associated internal roads, footways, cycleways and retained access for ambulance station. FOR Crest Nicholson Midlands

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

**RECOMMENDATION**

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

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

**Should a satisfactory Section 106 Agreement not have been completed by 12 February 2021, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.**

**DETAILS OF THE DEVELOPMENT**

This is a full planning application which seeks permission for the demolition of the existing buildings on the site and construction of 121 dwellings with associated open space, landscaping, internal roads, foot ways, and cycle ways, with retained access for the existing ambulance station.

This is a resubmission of a formerly refused application for 148 dwellings, and the number of proposed units was initially reduced by 25, with a further reduction in 2 more units to 121 during the course of this application. The previous application (W/19/0170) was refused only on one matter, as follows:

*Inadequate proposals are made in the application for the provision of car parking for the proposed dwellings and vehicles would, therefore, be likely to park on the public highway causing danger and inconvenience to other road users, and impacting upon local amenity.*

The proposal was therefore considered to be contrary to Local Plan policy TR3. The previous parking provision was 78% of that required by the Council's Vehicle Parking Standards. The current proposal has been amended to provide a total of 272 car parking spaces across the site, through either allocated parking spaces, garages, or unallocated parking spaces. This represents a policy compliant provision in respect of the requirements for allocated car parking spaces, if garages are taken into consideration, with 16 out of 51 unallocated spaces being provided. This equates to a provision which is 89% of the requirement set out in the Vehicle Parking Standards.

The scheme comprises of a mix of town houses, terrace properties, maisonettes and traditional family houses. The town houses will be three storeys with pitched roofs, and will be constructed along the southern edge of the site, facing the canal. The remaining housing will be a mix of two and two and a half storeys, and will include off-street parking and in some cases, garages.

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

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

## **THE SITE AND ITS LOCATION**

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

The south-eastern part of the site contains a number of buildings and areas of hardstanding, which have been occupied by WCC for various employment uses, including offices, museum stores and the storage and maintenance of fleet vehicles. The western and north-western parts of the site contain buildings and grassed areas previously occupied by the Ridgeway School. It is understood that the school relocated from the site to alternative premises in 2010, since when the buildings have remained vacant. The whole application site is an allocated housing

site, identified in the Local Plan as being suitable to accommodate 140 dwellings. On the north-eastern and north-western side of Montague Road, adjacent to and opposite the site, are residential dwellings. In the wider area to the north, south (beyond the commercial uses) and west, the land use is predominantly residential.

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

## **PLANNING HISTORY**

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

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

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

W/19/0170 - planning permission refused for full planning permission for the demolition of existing buildings and construction of 148 dwellings with associated open space, landscaping, internal roads, foot ways, cycle ways and retained access for ambulance station.

## **RELEVANT POLICIES**

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

- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- DM2 - Assessing Viability
- HS8 - Protecting Community Facilities
- Open Space (Supplementary Planning Document - April 2019)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

## **SUMMARY OF REPRESENTATIONS**

### **Warwick Town Council:** Objection:

- lack of parking facilities for residents or visitors;
- the density and number of properties in this development leaves insufficient perimeter space to establish privacy separation corridor from either the adjacent canal or commercial properties;
- there is a lack of usable public open space for future occupiers of the development;
- the concerns raised by residents, in relation to the junction, are shared;
- car dominant street scenes and lack of amenities resultant of the lack of setback planting to the canal side dwellings are a concern, given the direct relationship between pathway users and habitable rooms;
- landscaping around the BP garage and Montague storage should be enhanced to mitigate the development against what are quite unneighbourly uses and reduce the direct visual relationship between the uses.

**Councillor Tracey:** Objection, the reasons for refusal of the previous application have not been mitigated in a meaningful and sufficient way. Concerns that the levels of parking made available for residents are not sufficient and impact of additional traffic on nearby highway network.

**Councillor Grainger:** Objection, the revised plans do little to change concerns. The proposal represents overdevelopment of the site, there is inadequate parking and poor amenity space, not in accordance with the Council's guidance.

Disappointment expressed regarding lack of financial contribution request from Highways, the nearby highways will be used as rat runs. The whole development could be better designed and accessed, if the whole site was not being built around the ambulance work shop which is completely out of place within a residential development.

**Housing:** No objection, although there is an overprovision of 1 bedroom properties, Housing are happy to support this owing to the analysis of the latest housing register. Information on tenure of properties is required.

**Environmental Protection:** No objection subject to conditions & contribution of damage costs to the value of £34,402 for air quality mitigation.

**Waste Management:** No objection to the amended plans.

**WCC Highways:** No objection, subject to conditions, notes and financial contribution towards a Toucan Crossing on Coventry Road.

**Conservation Officer:** No objection to amended proposals, subject to conditions.

**WCC Ecology:** Updated BIA calculation required.

**WCC Landscape:** Makes recommendations: the removal of the green buffer along the canal corridor will result in open views of the development from the canal corridor. The replacement hedge would be of a single non-native species and would not reflect the canal corridor's more rural character. It would be more appropriate to plant native species more typically found alongside canal towpaths, such as hawthorn, blackthorn, and hazel. This would then tie in with any retained vegetation.

**Open Space:** No objection, subject to contributions of £765,576 towards off site public open space improvements, £804,678 towards new open space, £21,609 towards enhancements to existing allotments and £24,696 towards new allotments. Comments that the proposed tree planting along the Coventry Road includes non-native trees that are noted for their vibrant colours. This would not be keeping with the character of this stretch of the Coventry Road. Existing tree cover should be retained where practicable to maintain the green buffer along the road. Any new planting should be predominantly native to reflect the character of the immediate area and to visually tie in with replacement native hedgerows and hedge trees along the canal corridor.

**Canal and River Trust:** No objection, subject to conditions and S106 to provide scheme for wayfinding & delivery of new footpath connection to towpath. Recommends an alternative form of hedgerow along tow path.

**Inland Waterways:** No objection, comments that the proposals do not address serious concerns identified by local residents, Officers and Councillors. The canal frontage has been dealt with reasonably acceptably.

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



**South Warwickshire Foundation Trust:** No objection, subject to contribution of £119,847.64 towards additional services to meet patient demands.

**WCC LLFA:** No objection, subject to conditions.

**Police:** No objection, subject to contribution of £32,096 towards police infrastructure improvements.

**Public Rights of Way:** No objection.

**WCC Infrastructure:** No objection, subject to contributions of £3,605.37 towards improvements to public rights of way; £2,378 towards improvements to libraries; £616,043 towards improvements to education services; £32,500 towards improved bus facilities; £1,230 towards provision of sustainable travel packs; £6,150 towards road safety initiatives; and a monitoring fee of £TBC.

**Tree Officer:** No objection, subject to pre-commencement condition for arboricultural method statement.

**WCC Archaeology:** No objection, subject to condition.

**Sports and Leisure:** No objection, subject to provision of Outdoor Sporting Contribution: £8,410, Indoor Sporting Contribution: £93,616 and grass pitch contribution: £136,010.

Public Responses: 41 Objections:

*Parking and highway safety*

- increase in traffic and congestion on nearby residential streets, leading to highway safety concerns; mitigation measures should be put in place;
- strongly object to the only access being off Montague Road and highway safety impacts, suggests access from Coventry Road;
- since the 2011 census the volume of traffic in this area has greatly increased and motorists have little regard for speed;
- concern regarding children and elderly safety when crossing roads;
- an impact assessment should be made on increased traffic to the Ridgeway prior to determination;
- the developer provides flawed justification for lower provision of parking;
- requests roadside parking along Montague Road is restricted and a pedestrian crossing is installed;
- inadequate parking provision and impact on neighbouring residential streets and highway safety.

*Character of the area*

- Detrimental impact on the landscape character.

*Ecology*

- Concern regarding loss of wildlife;
- pollution will affect wildlife and the canal;
- insufficient regard given to species in ecological report provided and questions on findings.

### *Neighbour Impact*

- Loss of privacy from overlooking and loss of trees which act as screening;
- loss of outlook onto open space;
- noise, light pollution and disturbance;
- inadequate distance separation between the existing and proposed dwellings;
- close proximity of the proposed dwellings and car park to the existing properties of numbers 83 to 97 Montague Road will be intrusive.

### *Other Matters*

- Devaluation of nearby property prices;
- impact on air quality from loss of trees;
- query on how will local schools cope with additional demands;
- the site should be turned into a nature reserve or park;
- suggestions made on repositioning some of the dwellings away from existing properties and landscaping measures.

2 Support: this site is in the centre of Warwick, so does not result in loss of Green Belt land. Do not agree with excessive acceptance of new developments by the Council.

## **ASSESSMENT**

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

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

### Principle of the development

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

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

As that provision is now being met elsewhere as a result of that reorganisation, there has been no loss of a community facility at the site and in view of its residential allocation, the proposals are not considered to be contrary to that policy, which was accepted under the previous application. The development proposes a total of 121 dwellings on an allocated housing site for 140 dwellings identified within the Local Plan.

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

### Residential Amenity

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

Members of the public have objected to the proposal owing to the impact on neighbouring residential amenity, including loss of light, privacy and outlook, noise disturbance, light pollution and impact on air quality from increased levels of pollution. Objectors consider that there is inadequate distance separation between the existing and proposed dwellings, and the close proximity of the proposed dwellings and car park to the existing properties of numbers 83 to 97 Montague Road will be intrusive.

### *Relationship to existing residential properties*

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

The north-western edge of the site sits next to existing properties which front Montague Road. The required distance separation from two storey to two storey residential development (rear elevations) would be 22 metres. In all instances, the required distance is met, and it should be noted that the relationship is not direct owing to the angles of the proposed properties. There is a "pinch point" at the rear of 93 Montague Road where Plot 5 is positioned, which is located at the very top corner of the site, which is awkwardly shaped. Owing to the angled siting of the proposed dwelling serving Plot 5 in comparison to the rear of the properties along Montague Road, it is unlikely that the development would result in overlooking or loss of privacy to habitable rooms within these properties. It is

however noted that there may be some indirect overlooking of the rear amenity areas serving 91 and 93 Montague Road. The very end of garden area of 93 Montague Road would be 9 metres from the front elevation of the dwelling serving Plot 5. Ideally, a distance of 11 metres should be provided from a habitable window to a boundary serving a neighbour's garden to ensure adequate levels of privacy. However, it must be noted that there is no direct overlooking at a short distance to the intimate areas of the garden most likely to be used by these neighbours and the relationship between the properties is not direct. Furthermore, this is a very awkward element of the site to address and further reducing the number of units is likely to lead to an inefficient use of land, as it must be noted that the number of proposed dwellings is already well below the allocation set out in the Local Plan.

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

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

Environmental Protection have noted that there would be an impact on air quality as a result of the proposed development. The applicant has submitted an updated air quality report which addresses their previous comments by agreeing to provide the required levels of air quality mitigation in accordance with the Council's relevant SPD. Environmental Protection note that the air quality mitigation measures will still need to be finalised and agreed with the Council, and therefore they recommend that Type 1 and Type 2 mitigation measures are secured by a planning condition which has been added. Examples of Types 1 and 2 mitigation are: electric vehicle charging points or green infrastructure and planting (type 1); and a monitored travel plan, measures to support public transport / cycling / walking infrastructure, or designated parking for low emission vehicles (type 2). In relation to Type 3 mitigation measures, the calculated damage costs to the value of £34,402. This should be secured by a Section 106 agreement to ensure that the damage costs are spent on air quality mitigation measures at the development site or as a contribution to air quality improvements in the nearby air quality management area affected by the proposed development.

Environmental Health Officers have not raised any concerns regarding the impact of the parking area nearby to 83 to 97 Montague Road on these residents. In reality this will serve just five dwellings at the end of a cul-de-sac which is not likely to attract a significant amount of vehicular movements which would result in undue disturbance to nearby residents.

*Living conditions for the future occupiers of the dwellings:*

A Local Councillor has objected to the proposal as they consider that inadequate amenity areas are provided which do not accord with the Residential Design Guide requirements.

*Private Amenity Areas / Light / Outlook / Privacy*

The proposal has been amended to ensure that all of the proposed dwellings would benefit from the size of private amenity areas required by the Residential Design Guide. It is noted that some of the maisonettes have substandard amenity spaces, however, as these can be considered as flats, the Residential Design Guide does allow for some flexibility in terms of an under/no provision of onsite amenity spaces. It is noted that these flats are in close proximity of a well-designed area of public open space and that a financial contribution will be sought to mitigate this underprovision.

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

The Town Council raise concerns regarding the lack of privacy of the canal frontage properties owing to their proximity to the canal towpath. However, an attractive feature of the properties in this location is their visual link to the canal and ability to enjoy uninterrupted views out onto it. They also suggest landscaping around the petrol filling station and Montague storage to mitigate the development against what are quite unneighbourly uses and reduce the direct visual relationship between the uses. However, as outlined above, it is considered that the development would have an acceptable relationship with the surrounding development.

Furthermore, the Town Council state that there is a lack of usable public open space for future occupiers of the development. The applicant is working closely with the Council's Green Spaces team in order to deliver a suitable area of public open space which will provide for the future occupiers of the development. Councillors will be updated on this matter prior to the committee meeting. It should be noted that the Green Spaces Officer has no objection in principle to the proposed open space provided on site, and is seeking further clarification regarding the level of detail provided. It should also be noted that a similarly sized and designed area of open space was accepted under the previous scheme.

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

As part of the previous planning application Environmental Health raised concerns about noise arising from the boat repair tunnel at Kate's Boats towards the south of the site. The noise assessment provided in support of the application shows that noise levels from the boat repair activities are elevated and will impact on the facades of proposed dwellings along the canal side. It has been proposed that glazing specifications could protect future residents from noise whilst the repair tunnel is in use. Environmental Health also raised concerns about these noise levels affecting the patio areas and balconies for the proposed dwellings.

The noise assessment has highlighted that noise planning guidance states that adverse noise impacts can be off-set through the provision of quieter façades and outdoor amenity areas that are shielded from the noise source. In this instance, the proposed gardens are shielded by the three-storey dwellings and the applicant has located more noise sensitive rooms at the rear of the dwellings away from the repair tunnel. Whilst it is not ideal that the front patios and balconies will be exposed to elevated noise levels whilst the repair tunnel is in use, the provision of

quieter facades and amenity areas does provide an alternative area of respite for times when noise is elevated.

Officers are also mindful of a recent appeal which was allowed at the site immediately opposite to the application site, on the other side of the canal for residential development, which was in fact closer to the boat building than the proposed dwellings, and proposed gardens facing towards the noise source. In this appeal decision (ref: APP/T3725/W/20/3251045, planning application W/19/1858), the Inspector noted that it was unlikely that the future occupiers of that development would experience significant adverse impacts, and that there is an element of consumer choice when deciding to live next to a canal, where residents would not chose to live if they wanted a "tranquil, disturbance-free existence". With this in mind, and given that the proposed dwellings would be sited further from the noise source and have been laid out to mitigate the impacts of the noise source to a minimum, it is considered that the development would provide a suitable noise environment for these residents.

#### *Noise Impacts from Nearby Existing Noise Sources - Petrol Filling Station / Coventry Road*

Environmental Health Officers initially raised concerns regarding the impact of noise from vehicular traffic noise along Coventry Road and the petrol filling station on the living conditions for some of the proposed dwellings. The applicant advises that the houses with gardens that back on to Coventry Road will include a 2m high acoustic fence as mitigation against traffic noise. This has been extended in accordance with the recommendations from Environmental Health who now have no objection to the proposal on this basis.

Furthermore, to protect future residents from elevated road traffic noise levels and commercial activity from the nearby boat yard, the applicant will need to submit a noise mitigation scheme specifying the sound reduction performance requirements for both glazing and alternative ventilation measures. This can be secured by a planning condition, which has been added.

#### *Noise Impacts - conclusions*

The applicant has demonstrated that the internal noise environment for the properties adjacent to the canal can be adequately protected from undue noise disturbance if suitable glazing and ventilation is provided, which can be secured by condition, and that the future occupiers could enjoy the main area of outdoor private amenity to the rear of the properties, without undue disruption. Officers recognise that some of the future occupiers of the canal fronting properties may experience some noise disruption from the adjacent boat yard, but this is likely to be infrequently. However, in any event, it is most likely that the balconies will be in use out of usual office hours and weekends, when the likelihood that such disturbance would occur is significantly reduced. As stated above, Officers are also mindful of the neighbouring appeal decision in coming to this conclusion. The proposal is therefore considered to be in accordance with Local Plan policy BE3.

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

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

Part of the site is located within the relatively recently adopted Canal Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

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

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

Members of the public state that the proposal would have a detrimental impact on the landscape character. The Town Council state that the density and number of properties in this development leaves insufficient perimeter space to establish privacy separation corridor from either the adjacent canal or commercial properties. The Town Council suggest that the landscaping around the petrol filling station and Montague Storage should be enhanced to mitigate the development against what are quite unneighbourly uses and reduce the direct visual relationship between the uses.

The existing site consists of a former school and WCC depot. The character of this length of the canal comprises of a mixture of late twentieth-century buildings and industrial structures opposite dating from between the late eighteenth to late nineteenth-century. The site and its setting has seen extensive industrial activity for just under 200 years, with the boat building business opposite the site forming the most visual clue and indication of the area's heritage. In addition, the former Emscote Mills site to the east, a gelatin mill which was served by a canal wharf and where vessels would have loaded and unloaded goods, comprised of a substantial industrial site and some of these buildings remain, which is again highly reflective of the area's important industrial heritage.

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

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

The canal frontage development under the previous and current scheme has gone through various iterations, with the aid of the Conservation Officer to ensure that an appropriate scheme for this location is found. The amended design is considered to reflect the special architectural qualities of the Conservation Area, and the Conservation Officer now has no objection to the amended proposal. The development takes inspiration from the historic industrial context of the canalside setting, with wide-fronted, wharf style buildings, which have readable horizontal emphasis and well-proportioned symmetrical window and door apertures. These all provide key characteristics which ensures that the development will sit comfortably within this setting. Furthermore, the Canal and River Trust note that "the development achieves a positive level of engagement with the canal, orientating adjacent dwellings to face the canal and providing a strong central green space running through the site which links Montague Road with the canal towpath via a new footpath" and that "the overall scale and form of the canal-facing houses is appropriate and reminiscent of the scale of traditional canalside warehouse development." Officers agree with these conclusions. Both the Canal and River Trust and the Conservation Officer identify that the use of appropriate and sensitive materials for the development is key. These details have been negotiated to a satisfactory agreement, and can be secured by a condition.

Furthermore, the Canal and River Trust also state that the removal of the existing hedgerow adjacent to the towpath offers an opportunity to secure a net biodiversity enhancement to the canal corridor through the proposed planting of a new higher quality hedgerow and trees as part of a comprehensive landscaping scheme for the site which can strengthen the role of the canal corridor as a green infrastructure asset and wildlife habitat. The Canal and River Trust confirm that they are pleased to note that the group of mature trees adjacent to Coventry Road Bridge are to be retained and that further tree planting is proposed to be included along the canalside boundary and where the central open space adjoins the canal. They suggest that a condition is attached for the provision of a detailed landscaping plan, which has been included. As recognised by the Canal and River



Trust, Officers consider that the proposal represents an opportunity to secure enhancements to the Canal Conservation Area, in terms of access, biodiversity, green space and design, which represent substantial benefits of the scheme.

The wider scheme is considered to sensitively respond to the character of the surrounding area, through the use of appropriate design and materials. The proposed dwellings have been comprehensively designed to sit comfortably alongside the existing residential development and with each other. The scheme has been amended at the request of the Conservation Officer to include brick detailing across the site to add visual interest and provide a comprehensively designed scheme.

The Town Council suggests that the proposal has car dominant street scenes, however, Officers disagree with this suggestion. Across much of the site, parking is provided alongside the proposed dwellings, or in small car parking areas which are positioned discretely away from the main highway. It is recognised however that there would be some areas where there was a prevalence of parking in front of the dwellings (rather to the side of the dwellings as preferred). For example, in the south western section of the site, there is a reasonable proportion of parking which would sit adjacent to the highway. However, it must be noted that this is a constrained part of the site where the proposed dwellings fronting the canal are required to have a dual aspect both facing towards the canal and highway in order to provide an appropriate design. During the course of the application, the applicant has sought to address this as effectively as possible, through the provision of additional landscaping strips and trees which break up the parking. In order to strike a balance between the most effective use of land and providing an appropriate form of design, it is considered that the proposed parking layout is acceptable and is not harmful to the character of the area.

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

#### Car parking and highway safety

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

- increase in traffic and congestion on nearby residential streets, leading to highway safety concerns, mitigation measures should be put in place;
- one access being from Montague Road and highway safety impacts, suggests an access from Coventry Road;
- since the 2011 census the volume of traffic in this area has greatly increased and motorists have little regard for speed;
- concern regarding children and elderly safety when crossing roads;
- an impact assessment should be made on increased traffic to the Ridgeway prior to determination;
- the developer provides flawed justification for lower provision of parking;
- requests roadside parking along Montague Road is restricted and a pedestrian crossing is installed;
- inadequate parking provision and impact on neighbouring residential streets and highway safety;

- lack of S106 contribution request from WCC Highways.

### *Highway Infrastructure and Safety*

WCC Highways were consulted for the current and previous application and stated that they have fully assessed the modelling results provided by the applicant. They confirmed that the methodology for the modelling was acceptable and identified that from results, issues on the network appear mostly in the AM peak, with increases in queue lengths and journey times on Spinney Hill and St Johns in both the 2023 and 2028 reference cases (with the development added). There are no significant differences in the PM peak when comparing with and without development. It should also be noted that there is now a lower quantum of development proposed in comparison to the previous scheme, with less impact on the highways network.

The Highways Authority did not object to the previous application on the grounds of highway safety, nor was the application refused on this basis. The same access arrangements remain for the current application as the previous submission. Previously, the Highways Authority requested a financial contribution towards improvements to the Spinney Hill/Coventry Road roundabout, and the cycling scheme on Coventry Road, however, these projects have since been fully funded, and it would not be reasonable to request a contribution towards these schemes. However, the Highways Authority have identified that a toucan crossing is required on Coventry Road near to the canal crossing to maximise the accessibility of the development to the planning cycleway scheme on Coventry Road. The full costings and CIL justification will be provided in due course and Councillors will be updated prior to the meeting.

### *Parking*

Based on the Council's adopted Vehicle Parking Standards, the required parking provision for the development is 256 allocated spaces and 51 unallocated visitor spaces (a total of 307 spaces). However, the Vehicle Parking Standards state that lower standards are permitted where "*special circumstances can be demonstrated to justify a greater or lower provision.*" A total of 272 parking spaces are proposed, which is made up of 100% of the required allocated spaces and 31% of the unallocated requirement. In total, the provision equates to 89% of the total number of spaces required by the standards. Garages are included within this calculation, and they have been amended to ensure that they meet the required minimum size set out in the Vehicle Parking Standards.

The previous application was refused purely on the grounds of insufficient parking provision, where 78% of the total number of car parking spaces were provided to serve the development. Unlike with this application, not all of the required number of allocated spaces were provided (which equated to 95%), and 77% of the unallocated spaces were provided.

As part of the Transport Assessment, the applicant details that the potential parking demand associated with the residential element of the development was calculated using Census 2011 car ownership data. The Census data was specifically taken from the 'North Warwick Ward' in which the application site is located and assessed the car ownership of existing residents. 20% of all households do not own a car within this area, and for all types of dwellings

proposed, the car ownership rate equates to less than 2 vehicles per property. Based on these figures, which it should be noted are the most up to date figures of *actual* car ownership within not only the District, but this site specific area, the number of car parking spaces required across the development is 122. This is significantly lower than the 256 spaces provided across the site.

Furthermore, the review of site accessibility by sustainable travel modes (provided in the Transport Assessment) demonstrates that the site is readily accessible by non-car travel modes to key-day-to day facilities and services. Under the previous application and a key point of note is that WCC Highways identified that provision of parking exceeding the forecasted demand is likely to encourage higher car ownership and reduce the usage of sustainable travel modes that are readily accessible from the site. WCC Highways accepted that this evidence is sufficient to meet the requirements of the Vehicle Parking Standards, in that the applicant has "reasonably justified either higher or lower parking provision than set out in the standard based on available evidence."

WCC Highways conclude that they have no objection to the proposal, subject to the requested S106 contribution and a number of conditions and notes, which will be added.

In order to accommodate the parking requirement set out within the Vehicle Parking Standards, this would either result in a further reduction in the number of units on the site, a reduction in the soft landscaping or green spaces on the site, or most likely, a combination of both. The proposal has already reduced the number of units by 27 in comparison to the previously refused scheme, and ensured that all of the allocated parking will be provided on site. A further reduction in number of units would result in an inefficient use of land, taking the number of dwellings substantially below that set out within the Local Plan allocation and could also compromise elements of the scheme such as the landscaping and design. This is a sensitive and complex site, which has many constraints, such as the Canal Conservation Area and drainage easement running through the centre of the site. The Vehicle Parking Standards do allow for departure from its requirements, where it can be justified. In this case, the applicant has used actual car ownership data, which is site specific. It is therefore considered that the applicant has sufficiently addressed the previous reason for refusal regarding the parking provision.

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

#### Landscaping and impact on trees

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

The Landscape Officer has made a number of recommendations regarding the proposed landscaping scheme. Whilst they have no objection in principle and it is agreed that most of the landscaping matters can be left to condition, they have requested a technical note which outlines certain principles, to include the following changes to the landscaping scheme:

- Proposed general locations of the native and ornamental tree areas on a plan.

- Commitment to include no invasive species of plants.
- A commitment to providing increased wildflower meadows and planting of native bulbs.
- Clarification regarding the location of the proposed tree planting.

The applicant has agreed to provide this, which is in progress. Officers will confirm to Councillors whether this has been provided prior to the committee meeting.

The Council's Tree Officer has assessed the application and states that the tree report submitted with the application is thorough. The Tree Officer considers that analysis of the tree stock has been carefully considered, such that the justification for tree removals and tree protection measures are well made. An Arboricultural Method Statement will be required, which can be secured by condition.

There are approximately 50 trees to be removed as part of the proposal, however, the tree removals required to facilitate the development on this allocated site focus on low quality internal components of the tree stock. The removal of two moderate quality Ash and one Norway Maple from the southern boundary with the Grand Union Canal are necessary to facilitate both the required levels changes to the site, and to provide the opportunity to create an improved high quality canalside frontage to the development. No trees afforded protection by a Tree Preservation Order are proposed to be removed.

The removal of 12 category B trees, and low quality components to facilitate the redevelopment generates a requirement for replacement mitigation planting. Subsequently the application is accompanied by a scheme of landscape proposals which include a significant number of native and feature trees within areas of Public Open Space, alongside ornamental species appropriate to the proposed residential setting throughout the redevelopment and to provide a high quality frontage with the Grand Union Canal.

Members of the public have raised concerns regarding the impact on air quality from the loss of trees. However, a report by the Forestry Commission, "Delivery of ecosystem services by urban forests" (2017) suggests that air purification is primarily delivered by trees through a 'line of trees' (specifically street trees) and woodland – the latter due to the higher tree cover. Key delivery indicators of this ecosystem service are total canopy cover, a high leaf area/density, a high proportion of deciduous trees and the presence of trees near to pollution sources. The trees which are to be removed do not generally fall within these categories and therefore the material impact on air quality as a result of the loss of the trees is considered to be negligible.

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

#### Drainage and flood risk

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

There has been no objection from WCC Flood Risk Management, subject to conditions to require drainage details and a management plan.

The proposal is therefore considered to be in accordance with Local Plan policies FW1 and FW2. A condition will also be added to ensure compliance with Local Plan policy FW3.

Ecological impact

Members of the public have objected to the proposal regarding a loss of wildlife, that pollution will affect wildlife and the canal, and consider that insufficient regard has been given to species in the ecological report provided, and questions its findings.

Under the previous application WCC Ecology submitted a stance of no objection to the proposal, subject to conditions for a construction environmental management plan, an additional bat survey, a lighting scheme and biodiversity offsetting contribution within the S106 agreement.

Discussions are ongoing regarding the required figure for the biodiversity offsetting, however, WCC Ecology have no objection in principle to the development. Given that the quantum of development is lower than that which was proposed under the previous scheme, Officers have attached the above conditions as a precautionary approach. Once the response is received from WCC Ecology the conditions will be updated accordingly if required and Councillors will be updated prior to the committee meeting.

Subject to the agreements of the biodiversity offsetting contribution and required conditions by WCC Ecology, the proposal is considered to be in accordance with Local Plan policies NE1 and NE2.

Housing mix

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

*Market Housing*

<b>Bedrooms</b>	<b>Total</b>	<b>% Proposed</b>	<b>WDC requirement</b>	
1-bedroom	0	0%	5 - 10%	
2-bedroom	15	20%	25 - 30%	
3-bedroom	32	44%	41 - 45%	
4-bedroom	18	25%	30 - 35%	
5-bedroom	8	11%	0%	
<b>Total</b>	<b>73</b>	<b>100%</b>	<b>100%</b>	

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

Officers agree that the application site is located within a highly sustainable location, and that it is important to ensure the most efficient use of land. It is therefore reasonable to accept a greater proportion of smaller units in this instance, which is represented by the higher proportions of two and three bedroom units and lower percentage of four bedroom units. The under provision of one bedroom units is recognised, however, these would have represented a very small provision of dwellings (approximately 5 units) and on balance, the mix is generally considered to be acceptable.

*Affordable Housing*

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

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

<b>Bedrooms</b>	<b>Total</b>
1-bedroom	14 = 29%
2-bedroom	23 = 48%
3-bedroom	9 = 19%
4-bedroom	2 = 4%
<b>Total</b>	<b>48</b>

The housing mix is broadly aligned with the recommendations of the SHMA, although the proportion of 1 bedroom units to be provided is greater. The applicant advises that this is driven by where the greatest market demand lies, which the Council's Housing department accepts.

The Affordable Housing Supplementary Planning Document (WDC, January 2008) (SPD) gives further guidance and information on the provision and standards required for affordable housing within the District. The 40% requirement would mean a provision of 48 affordable dwellings. The application includes an Affordable Housing Statement which confirms that the proposed development offers the full 40% affordable housing provision. The layout plan illustrates how the affordable housing would be distributed across the site, and as amended, the distribution of affordable housing is considered to be acceptable.

In terms of the tenure, this is still to be determined and Councillors will be updated on this matter prior to the committee meeting. Subject to agreement with the

Council's Housing Officer on the tenure of the affordable housing, the proposal is considered to be acceptable and in accordance with Local Plan policy H2.

### Section 106 contributions

The proposed development of 121 dwellings would create additional demand for local services and to mitigate this, contributions towards community facilities would be required. Members of the public query how will local schools cope with the additional demands, however, this is assessed by WCC Infrastructure who have requested a financial contribution to improve education services.

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

Having considered the available evidence, the contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 121 dwellings on this site would have a material impact on or need for affordable housing, education, bus services, open space, police services, health care, sports facilities, monitoring costs, and rights of way, and highway matters.

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

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

- Air Quality Mitigation damage costs to the value of £34,402,
- Off-site public open space improvements £765,576,
- £804,678 towards new open space,
- £21,609 towards enhancements to existing allotments,
- £24,696 towards new allotments,
- South Warwickshire Foundation Trust: contribution of £119,847.64 towards additional services to meet patient demands,
- £32,096 towards police infrastructure improvements,
- £3,605.37 towards improvements to public rights of way,
- £2,378 towards improvements to libraries,
- £616,043 towards improvements to education services,
- £32,500 towards improved bus facilities,
- £1,230 towards provision of sustainable travel packs,
- £6,150 towards road safety initiatives,
- Outdoor Sporting Contribution: £8,410.00,
- Indoor Sporting Contribution: £93,616,
- Grass pitch contribution: £136,010,

- Monitoring fee for County Council, based on set calculation: £500 + (5 hours x £40 Officer time x Number of triggers) £TBC,
- Request from the Canal and River Trust for a contribution to provide a contribution for a scheme for wayfinding & delivery of new footpath connection to towpath,
- Monitoring fee for the District Council TBC when all contribution requests are finalised (standard formula to be used to calculate).
- Affordable Housing: 40% affordable housing (tenure TBC),
- Financial contribution to provide toucan crossing to Coventry Road £TBC (WCC Highways),
- Biodiversity offsetting contribution £TBC (WCC Ecology).

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

It should be noted that the Canal and River Trust have requested a financial contribution towards a scheme for wayfinding and delivery of a new footpath. However, insufficient justification has been provided so far to clearly demonstrate that the request is in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. Officers have requested this justification and await a response from the Canal and River Trust.

#### Health and wellbeing

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

#### Other matters

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

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

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

Members of the public have commented on the application and state that the proposal will devalue nearby property prices. However, this does not represent a material planning consideration. Members of the public consider that the site should be turned into a nature reserve or park, however, this is an allocated housing site identified within the Local Plan.



A Local Councillor states that the whole development could be better designed and accessed, if the whole site was not being built around the ambulance work shop which is completely out of place within a residential development. However, the ambulance station does not form part of the housing allocation and therefore the suggestion from the Councillor cannot be accommodated.

Warwickshire Fire and Rescue and WCC Archeology have no objection to the proposal, subject to conditions which will be added.

There have been two letters of support, which identify the site as being in a sustainable location, and would not result in the loss of Green Belt land. These comments are noted.

### **SUMMARY / CONCLUSION**

The redevelopment of this site for residential purposes is in accordance with the allocation of the site for housing by Local Plan Policy DS11 and is therefore acceptable in principle. There are substantial public benefits which would be secured by the scheme, such as the provision of a high quality major residential development of 121 dwellings, which contributes towards the Council's housing stock, including the provision of 48 affordable housing units. The proposal has been designed in conjunction with Officers to provide a sensitive form of development which responds well to the setting of the Canal Conservation Area and wider site context. The proposed development is considered to enhance the setting of the Conservation Area and also provide more opportunities for members of the public to enjoy the canal. Furthermore, the proposed development provides a high quality area of public open space which is appropriately positioned in the central portion of the site to be effectively accessed by all, delivering a 'green link' which allows not only future residents, but also wider members of the public easy access to the canal.

The proposed market and affordable housing mix is considered to be acceptable, given the location of the site in a highly sustainable location. The proposals are also considered to be acceptable in terms of car parking, highway safety, drainage / flood risk and ecological impact. The scheme is considered to have overcome the previous reason for refusal and has demonstrated why the level of parking provided would represent a policy compliant scheme.

There are substantial benefits to this scheme, which are considered to significantly outweigh any minor compromises, such as the car parking layout or living conditions. The proposal provides a comprehensive redevelopment of an allocated housing site, with a large area of open space within the central portion of the site, allowing easy access for all. The site provides an unusual opportunity for residents to have direct access to the canal, with cycle routes and footways, which encourages healthy, sustainable lifestyles. The dwellings would all have good levels of privacy, outlook and light which meet the required standards.

Subject to the above required information being provided and agreed, it is considered that the scheme provides a high quality, policy compliant development and therefore it is recommended that planning permission is granted.

## **CONDITIONS**

1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings:

172977A/A/01 (northern site access details), 172977A/A/02 (southern site access details), 19057 ACO - 01 (acomb house type), 19057 ASH - 01 (ashtead house type), 19057 HEX - 01 (hexham house type), 19057 WIN - 01 (windsor house type, floor plans), 19057 YOR - 01 (york house type), 19057 FIL - 01 (filey house type, floor plans), 19057 MAI - 02 (maisonette type, plots 15 - 22, first floor plans), 19057 MAI - 04 (maisonette type, plot 23 - 26 floor plans), 19057 MAI - 06 (maisonette type, plots 55-58 and 59-62, floor plans), 19057 MAI - 08 (maisonette type, **plot 116 - 121** floor plans) submitted on 15th May 2020,

drawings 19057 DG - 01 (double garage), 19057 SG - 01 (single garage), 19057 T3A - 01 Rev A (T3A house type, floor plans), 19057 MAI - 01 Rev A (maisonette type, plot 116 - 121 floor plans) submitted on 2nd December 2020,

drawings 19057 CHE - 01 Rev A (chesham house type), 19057 CRO - 01 Rev A (cromer house type), 19057 FIL - 02 Rev A (filey house type, elevations), 19057 H3A - 02 Rev A (H3A house type, elevations), 19057 HAT - 01 Rev A (hatfield house type), 19057 MAI - 03 Rev A (maisonette type Plot 15 - 22, elevations), 19057 MAI - 05 Rev A (maisonette type Plots 23 - 26, elevations), 19057 MAI - 07 Rev A (maisonette type plots 55 - 58 and 59 - 62, elevations), 19057 MAI - 09 Rev B (maisonette type plots 116 - 121, elevations), 19057 MAR - 01 Rev A (marlborough house type), 19057 T3A - 02 Rev B (T3A house type, elevations), 19057 WHI - 01 Rev A (whixley house type), 19057 WIN - 02 Rev A (windsor house type, elevations) submitted on 14th December 2020,

and drawings 19057 01 Rev T (colour site plan), 19057 04 Rev D (materials plan), 19057 05 Rev E (boundaries plan), 19057 06 Rev D (affordable housing plan), 19057 07 Rev D (storey heights plan), 19057 08 Rev D (phasing plan), 19057 09 Rev E (car parking strategy) submitted on 16th December 2020,

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

3

The development hereby permitted shall not commence unless and until tree protection / mitigation measures have been submitted to and approved in writing by the LPA and the approved measures have been put in place. The approved measures must remain in place for the duration of the works. The measures are to be submitted for all of the trees within the site as well as the highway trees that may be affected by the proposed development and must include:

a] an arboricultural method statement and tree protection plan in accordance with British Standard BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations, Clause 7 in particular, and

b] an arboricultural site monitoring protocol that will confirm to the local planning authority by independent examination that the agreed tree protection measures are in place for the duration of the development.

**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 No phase of development (excluding demolition) shall take place until a detailed surface water drainage scheme for the site (or that phase), based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include the following information:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SuDS features.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 140 l/s for the whole site.
- Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year and 1 in 100 year plus climate change return periods.

- Provide 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 based on the final levels of the site.
- Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; to ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1, FW1 and FW2 of the Warwick District Local Plan 2011-2029.

5 1.No phase of development excluding works of demolition shall take place until:

a) A desk-top study has been carried out for the phase that shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced.

b) If identified as being necessary having completed the desk-top survey study, a site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

- A risk assessment to be undertaken relating to human health
- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
- An appropriate gas risk assessment to be undertaken
- Refinement of the conceptual model
- The development of a method statement detailing the remediation requirements

c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.

d) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This

should be approved in writing by the local planning authority prior to the remediation being carried out on the site.

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

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

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

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

- 6 No phase of development (including any works of demolition) shall be undertaken unless and until a construction management plan for that phase has been submitted to and approved in writing by the District Planning Authority. The CMP shall provide for: the location of the site compound; construction routes into the development; the parking of vehicles of site operatives and visitors; site working hours and delivery times; 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, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website ([https://www.warwickdc.gov.uk/downloads/file/5811/construction\\_management\\_plan](https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan)) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **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 No development on Plots 34-45 and Plots 73-86 inclusive shall take place until a Method Statement detailing the design and means of construction of the foundations of the buildings to be constructed on those plots, together with any other proposed earthmoving and excavation works required in connection with their construction, has first been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify and incorporate any measures such as vibration monitoring, to ensure that the risk of adversely affecting the stability of the adjacent Grand Union Canal or towpath is appropriately minimised. The development shall thereafter only be carried out in accordance with the agreed Method Statement. **Reason:** In the interests of avoiding the risk of creating land instability arising from any adverse impacts from foundation construction, earthmoving, excavations or other construction operations which could adversely affect the structural integrity of the adjacent Grand Union Canal in accordance with the advice and guidance on land stability contained in paragraphs 170 and 178 of the National Planning Policy Framework and in the National Planning Practice Guidance.
- 8 Each phase of development shall not commence unless and until a hard and soft landscaping scheme for that phase has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 9 No development on each phase shall take place until:

- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority for that phase.
- b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken for that phase. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.
- c) 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 for that phase. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The 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.

- 10 No development of each phase of the development shall commence unless and until further written approval of the Local Planning Authority has been obtained for the design of the estate road layout serving the development [including footways, cycleways, verges and footpaths]. These details shall include large scale plans and sections showing the layout, vertical alignment, and surface water drainage details including the outfall. No dwelling for each phase of the development shall be occupied until the estate roads [including footways, cycleways, verges and footpaths serving it] have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the approved details. **Reason:** In the interests of highway and pedestrian safety in accordance with the requirements of policy TR1 of Warwick District Local Plan 2011 - 2029.
  
- 11 The development hereby permitted (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON:** To 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.

- 12 No phase of development hereby permitted, including site clearance work, shall commence until a Construction Environmental Management Plan for that phase has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for hedgehogs, bats, reptiles and amphibians, breeding birds and otters and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 13 No occupation and subsequent use of the development shall take place until a detailed maintenance plan, written in accordance with CIRIA C753, is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details, shall be provided to the LPA and LLFA within the maintenance plan. **Reason:** To ensure the future maintenance of the sustainable drainage structures, in order to prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; to ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1, FW1 and FW2 of the Warwick District Local Plan 2011-2029.
- 14 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 15 No lighting or illumination of any part of the site shall be installed or operated unless and until details of such measures (including details of design, extent, location and installation of any proposed external lighting of open spaces near to the canal) 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. **Reason:** To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.



- 16 Notwithstanding the finished floor levels details submitted, no development above ground level in each phase shall take place until details of the finished floor levels of all buildings, together with details of existing and proposed site levels for each phase on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **Reason:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 17 No development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
- 18 No phase of development hereby permitted shall be occupied until a scheme for the provision of adequate water supplies and fire hydrants for that phase necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any dwelling to the satisfaction of the Local Planning Authority. **Reason:** In the interests of Public Safety from fire and the protection of Emergency Fire Fighters.
- 19 No development above slab level for each phase of the development shall commence unless and until a scheme detailing arrangements to protect residents of the development from excessive road traffic and commercial noise entering habitable rooms for that phase has been submitted to and approved in writing by the local planning authority. Once approved the noise mitigation scheme shall be implemented in full accordance with the approved details and shall be retained thereafter. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 20 No development above slab level shall take place until an appropriate scheme of mitigation in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) has been submitted to and approved by the local planning authority. Once approved the scheme shall then be implemented in full and shall not be altered in any way without expressed written consent from the local planning authority. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

21 No dwelling on each phase of development hereby permitted shall be occupied until details of all external light fittings and external light columns for that phase have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the southern side of the site and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. No lighting shall be installed other than in strict accordance with the scheme approved under this condition. The lighting shall be maintained and operated in strict accordance with the approved scheme at all times thereafter.

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

22 No dwelling hereby permitted shall be occupied unless and until the car parking provision for that dwelling has been constructed or laid out, and made available for use by the occupants and / or visitors to the dwelling and thereafter those spaces shall be retained for parking purposes at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

23 Each phase of the development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for that phase of the development have been constructed or laid out in strict accordance with the approved plans, and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development. **Reason:** To ensure the satisfactory provision of refuse and recycling 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.

24 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted . Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted . All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To

protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

- 25 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected on any land between the front or side elevation of any dwelling and any road or footpath. **Reason:** Due to the open plan layout of the proposed development it is considered important to ensure that control is maintained over boundary treatments fronting the public highway.
- 26 All rainwater goods along the canal frontage for the development hereby permitted shall be metal. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
- 27 All window and door frames shall be constructed in timber and shall be painted and not stained. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
- 28 Prior to the occupation of the development hereby permitted, the first floor side facing window(s) in the side elevation(s) of the following plots shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed: plots 1, 48, 68, 87, 91, and 92. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
- 29 The dwellings within 'Build Phase 1' shall not be occupied unless and until a 2.0-metre-high acoustic fence has been installed in accordance with the approved Drawing 19057-05-D (Boundary Treatment Plan). The acoustic fence shall be imperforate, sealed at the base, and shall have a minimum superficial density of at least 10kg/sq.m. Once installed the acoustic fence shall be retained thereafter and shall not be altered in any way without expressed written consent from the local planning authority. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
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**Application No:** [W 20 / 1007](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Dan Charles

**Registration Date:** 02/09/20  
**Expiry Date:** 02/12/20

01926 456527 dan.charles@warwickdc.gov.uk

**Unit 3, Holly House, Queensway, Leamington Spa, CV31 3LZ**

Outline application for the demolition of the existing workshop and the construction of a mixed use development consisting of a complimentary health suite (D1), Offices (B1) and 10no. flats (C3) with all matters reserved. FOR Queensway Conference Centre Ltd

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The proposal is for outline planning permission for a mixed use development consisting of 10no. flats (Use Class C3), office space (Use Class E) and a Complimentary Health Suite (Use Class E) with all matters reserved other than access.

The remaining matters are to be reserved for a future reserved matters application. While access is indicated to be provided from the existing highway access on Kingsway, it remains a matter reserved for a subsequent application.

Indicative plans have been provided showing a parking layout together with indicative floor plans and elevations of the building.

**THE SITE AND ITS LOCATION**

The application site relates to a former scrap yard located to the rear of existing commercial properties. The site is currently not in use.

The site is a roughly triangular parcel of land that is flanked to the north-west by a modern housing development with the commercial units located to the north-east. To the south of the site lies a large industrial building that has a blank elevation facing the application site. To the west lie a range of community uses.

The site is predominantly flat with no significant level changes.

## **PLANNING HISTORY**

W/18/0190 - Outline application for the demolition of the existing workshop and the construction of a mixed use development consisting of a complimentary health suite (Use Class D1) and 19no. flats consisting of 12 x one bedroom, 4 x two bedroom and 3 x three bedroom – Granted 28.05.2020

W/16/0960 - \_\_Demolition of existing workshop and associated offices and construction of a new event venue (Use Class D2 (Assembly and Leisure) and Sui Generis use associated with a wedding venue) – Withdrawn 19.10.2016

## **RELEVANT POLICIES**

- National Planning Policy Framework

### Warwick District Local Plan 2011-2029

- DS1 - Supporting Prosperity
- DS5 - Presumption in Favour of Sustainable Development
- PC0 - Prosperous Communities
- EC1 - Directing New Employment Development
- H0 - Housing
- H1 - Directing New Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS2 - Protecting Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources

### Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)

### Royal Leamington Spa Neighbourhood Plan 2019-2029

Officer Note - While this is not yet formally made (as it has not yet been through a referendum) the above document has been through its final examination and as such is afforded substantial weight in the decision making process.

- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS12 - Air Quality
- RLS13 - Traffic and Transport

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** No objection. Note condition attached to previous scheme regarding limit on overall height and wish to see this carried forward.

**WCC Highways:** No objection.

**WCC Landscape Officer:** No objection.

**WCC Ecology:** Bat Survey requires updating. Recommend conditions and notes as previously imposed.

**WDC Environmental Health:** No objection, subject to conditions.

**WDC Contract Services (Waste Management):** No objection.

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

**Public Response:** 6 letters of objection and 1 neutral comment received;

### Objections

- Kingsway is far too busy already and this development will make it unbearable.
- Appears to be for student accommodation which could create noise and disturbance.
- Parking and traffic is already an issue.
- Original plans were no higher than the current existing apex. New plan is one floor higher than Monarch Court.
- Will result in overlooking of garden and house and remove feeling of privacy.
- Potentially block sun from garden.
- Any overlooking windows should be obscure glass.
- No private amenity space so unsuitable for families.

### Neutral Comment

Recommend bollards along Kingsway to prevent additional traffic increasing pavement parking with pavement widened to compensate for the loss of width.

## **ASSESSMENT**

### **Principle of Development**

## Five Year Housing Land Supply

The most up to date Five Year Housing Land Supply (5YHLS) figures state that as of 1 April 2020, the District Planning Authority is able to demonstrate a 5.63 year Housing Land Supply.

## Dwellings

The application site is within the defined urban area of Royal Leamington Spa. The current Local Plan has the most up to date evidence base for the provision of new housing. Policy H1 refers to Directing New Housing development and allows for the provision of new residential uses where they are located within the urban area of Leamington Spa.

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

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

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

The provision of housing on this site is considered to be a windfall insofar as they would be additional dwellings not identified within an existing allocation but capable of being satisfactorily assimilated onto the site which is brownfield land located within a sustainable urban area.

The site is located in a sustainable area and the additional 10 dwellings would assist in the delivery of the overall strategy of the plan and would provide additional homes for the District.

## Office Use

Policy EC1 allows for the provision of new office uses in urban areas where located within established employment areas. The site is a former scrapyard and is flanked by existing employment uses. Therefore, in this location, Officers are satisfied that an employment use is acceptable.

## Complimentary Health Facility

The proposal is for a complimentary health use to the ground floor of the building that is to serve the needs of the local community. Policy HS1 supports proposals

which deliver or contribute to new and improved health services and facilities in locations where they can be accessed by sustainable transport modes. The site lies within the urban area of Leamington Spa and is within a highly sustainable area with good public transport links and is also easily accessible by walking/cycling.

Overall the principle of development is considered acceptable.

### **Design and impact on visual amenity and the character of surrounding 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.

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 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.

The application has been submitted in outline form so no detailed plans are being considered at this stage. However, indicative drawings have been submitted to indicate the proposed layout of the site. This demonstrates that the proposal can be satisfactorily assimilated onto the site with adequate space for separation between buildings and parking/turning space within the site.

Public views of the site are limited due to the location of the site where it is flanked by existing development.

It is noted by Officers that the site will be read against the backdrop of residential development and existing commercial buildings. The introduction of a new building for residential purposes on this site would not be out of character with the surrounding area.

At this stage, it is acknowledged that the submitted drawing is indicative only and the overall landscaping strategy for the site would be provided at reserved matters stage. However, the indicative plan clearly demonstrates that the provision of a scheme for a mixed use of dwellings and a health suite on this site would provide



for appropriate areas of additional planting within the site. Any proposed landscaping scheme would be subject to assessment at reserved matters stage.

### **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 perimeter of the site predominantly abuts the blank walls of commercial properties that would not be affected by the development.

To the northwest of the site is an apartment block known as Monarch Court which forms part of the Monarch Gardens residential development. This is a three storey block of apartments with a hipped, pitched roof. The side elevation facing the application site is a blank side gable with no facing windows onto the site. The location of the proposed building would therefore not affect any windows associated with the adjacent development.

As this development is outline only, there is no specific layout other than the indicative layout plan. Whilst this does not form the final layout of the scheme, it does satisfactorily demonstrate that appropriate separation distances can be provided between the development sites to provide an appropriate level of amenity for the occupiers of the dwellings on both sites.

As the application is outline only, no assessment is made of the potential future living conditions for occupants of the proposed dwellings and this will be considered at reserved matters stage.

### **Highway Safety**

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

The indicative layout indicates that the proposed development is to be served by a single access point as per the existing site access to be improved. This access serves the site from the existing highway known as Kingsway. Access is a reserved matter, however, the indicative details submitted demonstrate that an appropriate access can be required. The final design will be subject to separate approval.

The Highways Authority have considered the details submitted and raised no objection to the proposals subject to conditions to secure the detail of the access into the site.

Subject to the imposition of appropriate conditions, no objection is raised on highway safety grounds and the proposal is considered to comply with Policies TR1 and TR3 of the Local Plan.

## **Impact on Ecology/Protected Species**

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

The County Ecologist has assessed the submitted ecological survey work and has advised that no objection is raised subject to a condition requiring additional survey work to be carried out prior to any demolition work taking place.

The County Ecologist also considers that the imposition of explanatory notes is required to advise the applicants of their legal responsibility with regards to protected species.

Subject to the imposition of the requested condition and notes, Officers are satisfied that the development is acceptable having regard to Policy NE3 of the Local Plan.

## **Other Matters**

### Drainage

In terms of surface water drainage, the site is within Flood Zone 1, and it is proposed to install appropriate surface water drainage within the site to ensure run-off does not exceed existing green field rates plus allowance for climate change. The Lead Local Flood Authority has requested that a detailed design is required for approval. This can be secured by condition.

In terms of foul sewage, it is indicated that the development is proposed to connect to the mains sewers in the local area. This would be subject to separate approvals with Severn Trent. It is appropriate to attach a condition seeking the details of the drainage to be submitted and approved.

### Trees and Hedgerows

It is noted that the site is currently an open area of hard surfacing with limited vegetation located within the site area.

An appropriate landscaping scheme will form part of the reserved matters submission stage to enhance the planting within the site as part of the overall development to create a softening effect to provide an appropriate environment for the new properties.

The indicative drawings indicate that a significant improvement can be made to improve the landscape value of the site. This has the added benefit of significantly increasing the level of tree planting within the site and this is to be welcomed from both an aesthetic view point as well as a biodiversity view point.

The specific types of tree and final landscaping design will be subject to a further submission through the reserved matters but at this stage, the indicative plan submitted shows areas of planting within the site that would be considered acceptable subject to the final planting schedule..

### Environmental Issues

The Environmental Health Officer has made an assessment of the proposal and raised no objection subject to conditions seeking the submission of a contaminated land survey and a Low Emission Strategy identifying appropriate air quality improvement measures including under the District Councils Air Quality Action Plan and Low Emission Strategy Guidance as necessary.

Additional conditions have been requested for details of plant and equipment noise limits together with a noise assessment for the future occupiers.

Finally, to protect the amenity of neighbouring properties, a construction management plan is requested to control all works associated with the site including hours of work, control of noise, timing of deliveries, control of dust and smoke and parking of construction vehicles. The use of the Construction Management Plan will ensure that works are carried out in the most appropriate manner to minimise the harm to the amenity of neighbouring properties.

Officers are satisfied that these are technical matters and the specific details can be secured by the requested conditions so as to make the proposed development acceptable.

### Other Matters

Concern has been raised by third parties regarding the potential for occupancy by students. The site lies within the Royal Leamington Spa Article 4 Direction that restricts the ability for properties to operate as small Houses in Multiple Occupancy (HMO's) without the benefit of planning permission. This proposal does not propose HMO's and thereafter any application would need to be assessed on its own merits.

### **Conclusion**

The site is a brownfield site within the Urban Area of Royal Leamington Spa. Local Plan policy H1 allows for new residential development in these locations.

The proposal is in outline form but Officers are satisfied that the site is capable of accommodating a very high quality scheme at that level which is acceptable in overall terms including in respect of the integration of built development within the surrounding landscape and the site provides additional benefits in the form of a complimentary health suite to serve the local community.

For the above reasons, Officers recommend that outline planning permission be granted subject to the conditions listed below.

## **CONDITIONS**

- 1 Details of the access, appearance, landscaping, layout and scale of the development (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 strict accordance with these reserved matters as approved.

**REASON:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

- 2 Details of the access, appearance, landscaping, layout and scale of the development (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 strict accordance with these reserved matters as approved.

**REASON:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

- 3 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).

- 4 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).

- 5 No development shall commence unless and until details of foul water drainage works have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details.

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

- 6 Other than site clearance works, no development shall take place until a detailed Drainage Strategy, to demonstrate the existing and proposed drainage plans for the site shall be submitted and approved in writing by the Local Planning Authority. The strategy should include the following details;

- Assessment of the nature of SUDS proposed to be used
- The allowable rates of run-off from the site
- Demonstration that all surface water is managed on site for a range of events including an allowance for climate change
- An assessment of pre-development surface water flows and discharge rates
- The proposed allowance for exceedance flow and overland flow routing
- How surface water systems will be managed and maintained for their lifetime

The development shall be carried out in full accordance with the approved details and maintained as such thereafter.

**REASON:** To ensure appropriate surface water drainage is provided on site in accordance with Policies FW1 and FW2 of the Warwick District Local Plan.

7 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
- 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.

8 The development hereby permitted (including demolition) shall not commence until an updated bat survey of the site, (possibly to include appropriate activity surveys) in accordance with BCT Bat Surveys for Professional Ecologists- Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full.

**REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

- 9 No development above slab level shall commence until an environmental noise assessment has been carried out by a competent person. A report of that assessment together with recommendations for any necessary mitigation measures to comply with BS 8233:2014 "Sound Insulation and Noise Reduction in Buildings-code of practice and "World Health Organisation Guidelines For Community noise" shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be carried out strictly in accordance all the recommendations contained within the approved noise report prior to first occupation of the development. Thereafter the mitigation measures shall be maintained in accordance with the approved details.

**REASON:** To protect the amenities of future occupiers in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 10 No development above slab level shall commence until details of appropriate noise insulation between the party walls/ceiling of the commercial use and residential units has been submitted to and approved in writing by the Local Planning Authority. Thereafter the mitigation measures shall be maintained in accordance with the approved details.

**REASON:** To protect the amenities of future occupiers in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 11 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.

12 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 in accordance with the requirements of condition 11, and where remediation is necessary a remediation scheme must be prepared which shall be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of 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.

13 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.

14 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.

15 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

16 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.

17 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance 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.



18 Construction works that are likely to give rise to off-site noise shall only take place between the hours of 10am to 4pm Monday to Friday, 8am to 1pm on Saturdays and at no time during Sundays or Bank Holidays.

**REASON:** The buildings are closely adjoined by residential properties and the local planning authority considers it necessary to control the construction works in the interests of the amenities of the area in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

19 No deliveries shall be taken at the site and no vehicle(s) shall enter or leave the site before 8am or after 4.30pm, Monday to Friday, before 8am or after 1pm on Saturdays or at any time on Sunday or Bank/Public Holiday.

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

20 Delivery vehicles are not be permitted to wait outside the construction site before the site is open for working.

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

21 The demolition and construction works shall be carried out in accordance with the following requirements;

#### Noise

- Best practicable means" shall be employed at all times to control noise. The Contractor shall employ the best practicable means to reduce to a minimum the noise produced by his operations and shall comply with the general recommendations in BS 5228: 1984 'Noise Control on Construction and Open Sites'.
- Without prejudice to the generality of the Contractor's obligations imposed by the above statement, the following shall apply:-
- All vehicles, mechanical plant and machinery used for the purpose of the works associated with the Contract shall be fitted with proper and effective silencers and shall be maintained in good and efficient working order.
- All compressors shall be "noise reduced" models fitted with properly lined and sealed acoustic covers which shall be kept closed whenever the machines are in use and all ancillary pneumatic percussion tools shall be fitted with mufflers or silencers of the type recommended by the manufacturers.
- Whenever possible only electrically-powered plant and equipment shall be used.

- Acoustic screens shall be used to protect any noise sensitive development where deemed necessary by the Head of Health and Community Protection for Warwick District Council or his representative.
- All plant and machinery in intermittent use shall be shut down in the intervening periods between work.

#### Dust

- Unloading shall only take place within the site itself.
- Regular sweeping of access roads to the site must be carried out where mud is likely to affect residents and/or highway safety. In dry conditions damping down of road surfaces should be carried out to control dust. a vehicle wheel wash will be provided to minimize carry-over to the highway.
- On-site dust shall be controlled by use of "best practicable means" to prevent dust arising from road surfaces, wind whipping of stock piles, handling of dusty materials, crushing, compacting and cutting and grinding operations.

#### Smoke

- There shall be no burning on site

#### Light

- External work lighting, flood lighting, security lights must not cause light nuisance to neighbouring occupiers. Particular attention must be paid to the siting and orientation of lights to avoid glare.

**REASON:** In the interests of 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.

- 22 The overall height of the proposed building shall not exceed the overall ridge height of the development known as Monarch Court, Monarch Gardens.

**REASON:** To ensure the development is in keeping with the character of the local area in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 23 The Complimentary Health Suite shall be limited to a maximum of 2 consulting rooms at all times and maintained in perpetuity.

**REASON:** To comply with the parking standards of the Local Planning Authority and in accordance with Policy TR3 of the Warwick District Local Plan 2011-2029.

**Application No:** [W 20 / 0735](#)

**Town/Parish Council:** Kenilworth

**Case Officer:** Emma Booker

01926 456521 [Emma.Booker@warwickdc.gov.uk](mailto:Emma.Booker@warwickdc.gov.uk)

**Registration Date:** 18/05/20

**Expiry Date:** 13/07/20

**23 Mill End, Kenilworth, CV8 2HP**

Erection of a first floor extension over garage. FOR Mr Hector Smith

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

**RECOMMENDATION**

It is recommended that Members of the Committee GRANT planning permission for the proposed development, subject to the conditions listed at the end of this report.

**DETAILS OF THE DEVELOPMENT**

The applicant seeks to obtain planning permission for the erection of a first floor extension to an existing detached garage, located at the rear of the main dwellinghouse at the north end of the application site. The extended building is proposed to accommodate a home office, store and games room at ground floor level, and a guest bedroom, a further store, a bathroom at first floor level. The proposed building is relatively simplistic in design with a dual-pitched roof covered with concrete roof tiles, a modest pitch-roof dormer set into the eaves, a rooflight within the front and rear roof slopes, facing brickwork at ground floor level and fibre-cement cladding at first floor.

**THE SITE AND ITS LOCATION**

The application site comprises a two storey semi-detached dwelling with a generous rear garden. The building subject of this application is a single storey flat-roof garage characterised by brick and render elevations.

The garage is accessed via a track which runs between two dwellings, no(s) 12 and 14 Forge Road. The vehicular access track leads to an area of hardstanding where there are also two linear blocks of garages. The topography and the layout of built form within the local area means that the garage blocks and hardstanding are overlooked by a large number of dwellings, the building visible from windows installed within the rear elevations of properties situated along Mill End, Woodmill Meadow and Forge Road.

The Tanyard Stream, classified as a main river, runs through the application site at below ground level and is protected by a culvert. The application site is located within Flood Zone 3.

### **PLANNING HISTORY**

W/87/1288 - Planning permission approved in 1987 for the conversion of disused shop and extension of first floor to form a dwelling.

W/07/0173 - Planning permission approved in 2007 for the erection of a two storey rear extension and a single storey rear extension.

W/05/1695 - Planning permission approved in 2005 for the erection of a two and a half storey rear extension, with one side facing dormer window, and one side roof extension.

No planning history was found for works related to the existing garage.

### **RELEVANT POLICIES**

- National Planning Policy Framework

#### Warwick District Local Plan 2011-2029

- BE3 - Amenity
- BE1 - Layout and Design
- TR3 - Parking
- FW1 - Development in Areas at Risk of Flooding
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE4 - Landscape

#### Guidance Documents

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

#### Kenilworth Neighbourhood Plan (2017-2019)

- KP12 - Parking Standards
- KP13 - General Design Principles
- KP15 - Environmental Standards of New Buildings

### **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council** - Objection on the following grounds;

- Poor layout and design, contrary to policy KP13 of the Neighbourhood Plan and BE1 of the Local Plan

- Constitutes back land development
- Loss of amenity

Members commented that any development needs careful impact assessment for flood risk in such a sensitive area and gave reference to policy KP15 of the Neighbourhood Plan which seeks to address matters relating to the environmental impact of the development.

**Warwickshire County Council as the Lead Local Flood Authority (LLFA)** - No objection.

**Warwick District Council Tree Officer** - No objection, a TPO for the ash tree is not considered appropriate.

**Warwickshire County Council Ecological Services** - Recommend that notes relating to bats and nesting birds, as protected species, are attached to any approval granted to this application.

**Environment Agency** - No objection, the applicant should agree to build the structure in accordance with the recommendations made in the submitted statement from the Structural Engineer.

**Public response** - Objections received on the following grounds;

- The development will increase flood risk
- Loss of light
- The development will impact on the local bat population by interfering with a flight route
- Loss of the tree which provides privacy to properties and gardens
- The existing garage's concrete raft is not substantial enough to support a second storey
- The Tanyard stream culvert is close to the development, if damaged it will result in flooding of Forge Road and Mill Road
- The development will lead to an increase in parking and speeding vehicles, which will result in the obstruction of the garages and increased noise from traffic
- Potential for the building to be converted to living accommodation
- The tarmac surface at the front of the garage area could be seriously damaged by construction vehicles. Neighbour requests that the applicant agrees in writing to cover the costs of any repairs.
- Neighbour requests further clarity regarding the connection of services to the building
- Neighbour requests that the applicant put it in writing that the building will not accommodate a kitchen and be used as a dwelling. If used as a separate dwelling this would result in extra traffic in an already congested area, having an adverse impact on neighbour amenity.
- Loss of privacy, the building will overlook approx. 10 properties
- The plans do not provide sufficient detail of relative height of the proposed development against numbers 14, 16, 18 and 20 Forge Road.
- The proposal is an overdevelopment of the site and will result in a two storey building that will be direct view of 10 properties and blight a

reasonably pleasant outlook gained from the surrounding properties in Mill End, Forge Road and Woodmill Meadows

- Increased parking stress.

**Cllr Dave Shilton (WCC Park Hill Ward)** - The Tanyard Stream is now classed as a river and serves a large area of the Town. It is requested that the application is referred to the County Council.

## **ASSESSMENT**

### Design and impact on character and appearance of the streetscene

The NPPF (2019) places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 127 states that planning decisions should ensure that developments are visually attractive as a result of good architecture and layout. Development is expected to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. It also states that decisions should ensure that developments are sympathetic to the local character and history, while not preventing or discouraging appropriate innovation or change (such as increased densities). Lastly, it is stated that development should maintain a strong sense of place by using building materials which create attractive, welcoming and distinctive places to live, work and visit.

Local Plan Policy BE1 echoes paragraph 127 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use. Proposals are expected to relate well to local topography and landscape features, reinforce or enhance the established urban character of streets and reflect, respect and reinforce local architectural distinctiveness. Of particular relevance to this application, this policy also requires proposals to respect surrounding buildings in terms of scale, height and massing, and adopt appropriate materials and details.

Policy KP13 of the Kenilworth Neighbourhood Plan seeks to ensure that proposals achieve a standard of design that is appropriate to the local area. Proposals are expected to demonstrate a positive response to the characteristics of the site and surrounding area.

Kenilworth Town Council have objected to the proposal on the grounds of poor layout and design, they consider that the proposal fails to satisfy the criteria policy KP13 of the Neighbourhood Plan and policy BE1 of the Local Plan. It is considered that the proposal development would constitute back land development and result in a loss of amenity to the surrounding dwellings.

Several neighbours have also raised concerns with the design of the development with the opinion that the proposal would be an overdevelopment of the site, resulting in a two storey building that will be in direct view of 10 properties. The

proposal is also considered to blight a reasonably pleasant outlook gained from the surrounding properties in Mill End, Forge Road and Woodmill Meadows. One neighbour also considers that the plans do not provide sufficient detail of relative height of the proposed development against numbers 14, 16, 18 and 20 Forge Road.

Whilst it is appreciated that the proposed development will introduce a two storey structure to the area currently occupied by blocks of single storey garages, it is not considered that the proposed additional storey would have an adverse impact on the character of the area. The proposed development will equally be read in conjunction with the surrounding two storey dwellings, therefore when observed from within the application site, from surrounding roads and dwellings, it is not considered that the proposed building would appear as an incongruous feature. The area is characterised by both single storey and two storey buildings, the proposed development is therefore considered to positively respond to the characteristics of the site and the surrounding area.

Officers do not consider that the proposal constitutes back-land development. The two storey building will be situated a significant distance from the main dwellinghouse and the land on which it is to be built already reads as an extension of the adjacent garage and hardstanding area, thus the development will not appear as back-land development. In addition to this, it is important to note that the proposal is for an additional storey on top of an existing garage, therefore the principle of development here already exists, thus it is not considered that the development would have an adverse impact on the character of the area nor constitute back-land development. Rather, Officers consider that the proposal is appropriately located and in keeping with the existing built form in terms of design and location.

The architectural design of the proposed building is considered to be relatively simple and reflective of the character of the surrounding properties. The modest front gable feature which has been set into the eaves to reduce its bulk and mass, is considered to be in keeping with the modest dormer windows which can be found at nearby properties. The fenestration is simple and considered appropriate for the intended use of the structure as an ancillary building.

The proposed external facing materials for the building are considered appropriate and will enable the structure to blend in with its surroundings. The surrounding area has a varied material palette with hanging tile, render and facing brickwork all visible from within the application site. The proposed building will feature facing brickwork and render at ground floor level, cement-fibre cladding at first floor and concrete roof tiles. The cladding is proposed to be a 'timber bark' colour (brown), it is considered that this will further mitigate the visual impact of the 2nd storey and would not appear as a stark contrast with the surrounding built form and vegetation.

Overall, the proposed development is considered appropriate in terms of design, scale and location. It is not considered that the proposals would result in an incongruous feature, instead the proposed building harmonises with the

surrounding built form and has an acceptable visual impact. The proposal is considered to comply with all of the aforementioned planning policies.

### Impact on neighbouring properties and the current and future occupiers of the development

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 SPD provides a design framework for Policy BE3 and states that extensions should not breach a 45 degree line taken from the nearest habitable room of a neighbouring property. This serves to protect against loss of light and outlook. Kenilworth Neighbourhood Plan Policy KP13 supports this policy by requiring development proposals to give regard to the impact on the residential amenity of the existing and future residents.

Objectors to the development consider that the proposal would have an adverse impact on neighbour amenity by virtue of the fact that the first floor will overlook approximately 10 properties. A single window and two roof lights are proposed to be installed within the south-west and north-east facing elevations of the building.

Neither of the roof lights will serve habitable rooms, it is considered that the users of the building are unlikely to spend prolonged periods of time in these spaces and the impact that the rooflights will have on the privacy of the neighbours is acceptable.

The window proposed to be fitted within the front elevation of the building will serve a guest bedroom and will provide views out over the existing garages and the gardens of 22 and 21 Mill End. The common approach is that windows which provide views out over a neighbour's privacy amenity space should be at least 11.0 metres away in order to adequately protect the neighbour's amenity. The proposed window will be at least 14 metres from the rear boundary of 22 Mill End and direct views down this neighbour's garden are significantly interrupted by a mature Ash tree, which Officers note is proposed to be retained. The proposed window will be at least 16 metres from the rear boundary of 21 Mill End. Whilst it is appreciated that the proposed extension will create a new vantage point from which elevated views will be gained, the window is far enough from the neighbour's rear boundary's to adequately preserve their privacy. Officers are also mindful that mutual overlooking is an established part of living within this area of the town where housing density is relatively high, therefore it is not considered that the impact that the development will have on the privacy of the neighbours would warrant the refusal of this application.

Officers are satisfied that all habitable rooms within the building will benefit from adequate light and outlook.

The proposal is acceptable and in accordance with Local Plan Policy BE3 and Kenilworth Neighbourhood Plan Policy KP13.

### Parking



Local Plan Policy TR3 states that development will only be permitted that makes provision for parking which does not result in on-street car parking detrimental to highway safety. Development will be expected to comply with the parking standards set out in the most recent Parking SPD.

Kenilworth Neighbourhood Plan Policy KP12 states that development proposals should incorporate parking and cycle spaces at or above the numerical and design expectations set out in the Parking Standards.

The development provides an additional bedroom for the main dwellinghouse and therefore has the potential to increase demand for parking. At the time of the site visit, Officers were able to observe an area of hard standing in front of the existing garage which is contained within the application site's boundary. There is no boundary treatment to prevent vehicular access to this area from the parking area in between the rows of linear garages. The hard standing area is large enough to provide off-street parking for at least three vehicles without encroaching outside the site's boundary. The proposed extension will not increase the footprint of the existing garage, it is therefore considered that the development will not reduce the existing off-street parking provision for the dwelling and is unlikely to increase demand for on-street parking due to the provision of 3 parking spaces, in accordance with the requirements of the Parking SPD. The development is considered acceptable on parking grounds and compliant with both aforementioned policies.

### Ecology

Local Plan Policy NE2 seeks to protect species of national and local importance for biodiversity and geodiversity. The policy stipulates that development will not be permitted that will destroy or adversely affect protected species.

Ecological Services have recommended that advisory notes relating to the protection of bats and nesting birds are attached to any approval granted. Officers consider this approach acceptable for the scale of the development. The proposal is considered to comply with Policy NE2.

### Trees

Local Plan Policy NE4 seeks to ensure that significant landscape features are protected from harm, this includes assets such as trees which are considered to have amenity value. Proposals are required to avoid detrimental effects on features which make a significant contribution to the character, history and setting of an asset, settlement, or area.

There is a mature ash tree planted within close proximity to the existing garage. The council's tree officer made a visit to the application site to consider whether a tree preservation order was appropriate. They decided that the tree wasn't worthy of protection on the basis that ash dieback disease is prevalent in the locality and will potentially kill all ash trees. They also considered that the structure of the tree is highly defective with a weak fork causing the tree to lay down adaptive growth around it to try and prevent failure of the union, which may or may not be

successful. Lastly, the tree officer has highlighted that the tree is on the south of the proposed development and so if it were to be retained, and if the development were to proceed, the council would be receiving cyclical request for pruning work until the tree succumbed to ash dieback and died.

On the basis of the above, officers consider the tree is not worthy of protection via a tree preservation order. The development will not have a detrimental impact on any significant landscape features and is therefore considered acceptable with regard to Policy NE4.

### Flood Risk

The application site is located within flood zone 3 as it lies adjacent to the culverted river, The Tanyard Stream, which is classified as a main river.

Kenilworth Town Council have commented that the development needs a careful impact assessment for flood risk as it is located within a sensitive area. Neighbours have also objected on the basis that the development will increase flood risk.

The Lead Local Flood Authority at Warwickshire County Council have reviewed the application and have raised no objection to the development in relation to drainage surface water management. As no new impermeable area is being created and the drainage will be as existing, they do not have concerns about an increase in flood risk from an increase in surface water run-off.

The Environment Agency have also been consulted on the application. It was requested that the applicant take into account the culvert and its condition to ensure that the loading caused by the proposed extension does not have any additional impact on the culvert structure.

In response the applicant provided a survey of the site to show the route of the culvert in relation to the existing garage, it shows that the garage impinges marginally on the culvert. The applicant has also provided a letter from a structural engineer who considers that the proposed development will not result in any additional loading if supported by a steel frame carried on independent foundations. They have advised that the foundation nearest to the culvert should be taken down to the depth of the invert level so that the culvert is not subjected to additional sidelading and to ensure that the frame load is totally isolated from the culvert. They have also advised that all other foundations will need to be designed at a depth so no lateral or vertical load is transmitted to the culvert. The Environment Agency responded that if the applicant agrees to this method of construction and the culvert is not impacted by the foundations, they would have no further comments to make regarding this application.

The applicant has agreed in writing to the described method of construction included in the letter from the structural engineer. Officers consider the would be onerous to request that the applicant submit further drawings detailing the construction of the proposed extension as this is dealt with and secured at building regulations stage. Instead, for the purposes of this planning application,

it is considered that an advisory note should be attached to any approval granted to remind the applicant that they as the landowner are responsible for maintaining the culvert and that they have agreed to a method of construction which is considered to prevent harm to the structure.

In light of the above, it is considered that the applicant has sufficiently addressed matters related to flood risk and the development is unlikely to increase flood risk within the locality. As required by policy FW1, it is recommended that a pre-condition be imposed on any approval granted to secure the submission of details of the proposed floor levels and flood proofing / resilience and resistance techniques. Once approved in writing by the Local Planning Authority, the condition would require the development to be carried out in strict accordance with the approved details. Policy FW1 requires the finished floor levels within the converted garage to be 600 millimetres above the predicted flood level.

The proposal is considered acceptable and in accordance with Policy FW1.

#### Other matters

Neighbours have raised concerns that the building has the potential to be converted to living accommodation and have requested that the applicant put in writing that the building will not accommodate a kitchen and be used as a dwelling. Neighbours consider that if the building were used as a separate planning unit, the development would result in extra traffic in an already congested area having an adverse impact on neighbour amenity.

Planning applications must be assessed on the basis of what the applicant has applied for. In this case a householder application has been submitted for an extension to an existing garage to provide an ancillary building to the main dwellinghouse, proposed to accommodate an office/games room, bedroom, storage and a bathroom. Whilst officers acknowledge that the building has potential to be converted to a dwelling, this potential is not a material consideration in the assessment of this planning application as acceptability of the proposal itself is what must be assessed.

Neighbours have also raised concerns that the development could cause damage to the tarmac surface at the front of the garage area, they have requested that the applicant agrees in writing to cover the costs of any repairs. Damage to adjacent property caused throughout the construction phase is not a material consideration in the assessment of planning applications, instead this is a civil matter that needs to be settled between the interested parties.

A neighbour has requested further clarity regarding the connection of services to the building, these details are submitted as part of an application for building regulations and fall outside of the control of planning.

As part of their objection, Kenilworth Town Council refer to KP15 of their adopted neighbourhood development plan. Kenilworth Town Council "requests that the applicants address matters relating to the environmental impact of the development with the aim of the resulting property, in its entirety, having an

improved energy efficiency and water efficiency, where affected, compared to the existing property." KP15 encourages applicants to adopt higher environmental standards of building design and energy performance. Given that the policy seeks to encourage rather than require additional sustainability measures, this is not something that can be insisted upon. Officers acknowledge that the scale of the development is small and therefore consider that it would be unreasonable to insist on the provision of such information from the applicant.

**Summary/Conclusion**

The application is acceptable and considered to comply with Local Plan Policies BE1, BE3, TR3, FW1, NE2 and NE4, and Neighbourhood Plan Policies KP13 and KP12. The application is therefore 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) 443.02, and specification contained therein, submitted on 18th May 2020. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby permitted shall not commence unless and until details of proposed floor levels and flood proofing / resilience and resistance techniques have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with the approved details. **Reason:** In the interests of reducing occupant's risk from flooding, in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029 and to secure a satisfactory form of development in accordance with the Environment Agency's Standing Advice.

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**Planning Committee:** 12 January 2021

**Item Number:8**

**Application No:** [W 20 / 1531](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Jonathan Gentry

**Registration Date:** 29/09/20

**Expiry Date:** 24/11/20

01926 456541 [jonathan.gentry@warwickdc.gov.uk](mailto:jonathan.gentry@warwickdc.gov.uk)

### **8 The Close, Leamington Spa, CV31 2BL**

Proposed erection of single storey side and rear extensions.  
Re-submission of previous application W/20/1197. FOR Ms. J. Auila

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This application is being presented to Committee due to the number of public objection comments received.

### **RECOMMENDATION**

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

### **DETAILS OF THE DEVELOPMENT**

The application seeks planning permission for the proposed erection of a single storey side and rear extension.

The application forms a re-submission of previous application W/20/1197.

### **THE SITE AND ITS LOCATION**

The application site relates to a two storey, three bed detached dwelling located to the west of The Close, Leamington Spa, within a predominately residential area. The property is set between two storey properties, that of No.4 and 6, Maisonettes to the north, and No.10 to the south.

### **PLANNING HISTORY**

W/20/1197 - Change of use to 5 Bedroom HMO and erection of single storey side and rear extensions - Withdrawn

### **RELEVANT POLICIES**

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR3 - Parking
- [Guidance Documents](#)

- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document)
- Royal Leamington Spa Neighbourhood Plan 2019-2029  
Officer Note - While this is not yet formally made (as it has not yet been through a referendum) the above document has been through its final examination and as such is afforded substantial weight in the decision making process.
- RLS2 - Housing Design

## **SUMMARY OF REPRESENTATIONS**

**Public Response** - 8 letters of objection received, citing the following concerns:

- Loss of the existing family home
- Concern that the proposal seeks to create a HMO at the property.
- Concern over parking demand generated through creation of a HMO.
- Negative impact on character of street through extension work.
- Negative impact on light to neighbouring properties.

**WCC Ecological Services** - Comments remain as per previous application W/20/1197 - Recommend advisory notes relating to bats and nesting birds attached to any grant of consent.

## **ASSESSMENT**

### Impact on the amenity of neighbouring uses

Warwick District 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 proposed side/rear extension would extend beyond the rear of the property by 4.0 metres. However, owing to the position of the property in relation to those neighbouring, the enlargement would not result in any breach of the WDC 45-degree guideline to neighbouring sites.

It is noted that the maisonettes to the north of the application site feature side facing windows at ground floor level that are directed towards the application site. However, the presence of the existing garage to the side of the application site means that outlook in this direction is already limited. In addition, Officers note that a single storey side extension of similar scale could be constructed in this location without formal planning consent through permitted development rights held by the dwelling. As a result, Officers assess that the proposed single storey extension would not result in the generation of material harm by way of loss of light and outlook.

In addition, no element of the extension is considered to result in the generation of material harm to amenity by way of loss of privacy or overlooking to neighbouring properties.

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

#### Design and impact on the street scene

Warwick District Local Plan Policy BE1 and Leamington Spa Neighbourhood Plan Policy RLS2 state that development will be permitted where it harmonises with and improves the character of the surrounding area. The adopted Residential Design Guide also sets out design principles to which development proposals will be expected to comply.

The proposed single storey extension will be visible to the side of the property from The Close. The extension features a lean-to roof that accords with the property's primary roof, and adopts a clearly subservient scale, particularly when viewed from its frontage. It would replace an existing flat roof side garage, which makes no notable contribution to the character of the street scene. The proposals are found to harmonise with the existing property and settlement, respect the scale and massing of surrounding of built form, and adopt appropriate materials.

The development is therefore viewed to accord with the guidance set out in the Council's Residential Design Guide, policy BE1 of the Warwick District Local Plan, and Policy RLS2 of the Leamington Spa Neighbourhood Plan.

#### Parking

The WDC Parking Standards SPD outlines that properties featuring two or three bedrooms should account for the provision of two parking spaces. While Officers consider that the existing driveway area to the frontage of the property could comfortably accommodate one vehicle, one on street parking space is required.

Noting that garages are not usually held to constitute parking spaces, the single garage currently in place to the side of the property would be lost through construction of the proposed extension.

The development does not propose the creation of any additional bedrooms within the extension area or existing property. As a result, the required parking provision at the site will not be impacted by the scheme.

In line with the above assessment, the proposal is considered to comply with Local Plan Policy TR3.

#### Ecology

The Ecologist at Warwickshire County Council has recommended that advisory in relation to bats and nesting birds are attached to any grant of consent. Officers agree with this recommendation and consider that the imposition of explanatory notes regarding the applicant's responsibility with regard to the noted species are appropriate.

#### Other matters

The majority of public objection comments received relate to concerns regarding the potential creation of a House of Multiple Occupation (HMO) at the property. The previous application at the site, W/20/1197 proposed the creation of a five

bed HMO alongside the extension proposed under this scheme. The previous full application was withdrawn prior to determination, as assessment of the potential change of use indicated that creation of a HMO was unlikely to be supported in this location.

This application does not propose a change of use to create a HMO, and has been assessed solely in relation to the householder extension proposed. It would not grant consent for the creation of a HMO, and a full application for this change of use would be required, given that the property lies within the Leamington Spa Article 4 Direction that removed permitted development rights for this change of use.

Several comments received referenced the proposed internal layout. The proposed scheme has been subsequently revised to feature a more traditional internal layout. Notwithstanding this, it should be noted that internal reconfiguration works do not constitute development, and as such do not require the consent of the Planning Authority, provided this would not constitute a material change of use.

With mind to the previous application, and the objection comments received, Officers assess that it is reasonable to apply an advisory note to any grant of consent that reiterates that this relates solely to householder extension works, and separate planning consent would be required to create a HMO at this property.

### **Conclusion**

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

### **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 approved site location plan '4037-01B' submitted on the 29th September 2020, revised drawing '4037-02C' submitted on the 26th November 2020, 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 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.



**Planning Committee:** 12 January 2021

**Item Number:9**

**Application No:** TPO 561

**Town/Parish Council:**  
**Case Officer:** Rajinder Reddi

**Registration Date:**  
**Expiry Date:**

Rear of 7 Dickins Road, Warwick CV34 5NR  
Confirmation of Provisional Tree Preservation Order relating to an oak tree  
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This Tree Preservation Order (TPO) is being presented to Committee because objections have been received to it being confirmed

**RECOMMENDATION**

Planning Committee is recommended to authorise officers to confirm TPO 561 with an amended location plan.

**BACKGROUND**

The Council was made aware on 27 July 2020 of the potential felling of a mature oak tree. Following an unannounced site visit on 28 July 2020 an Order was made. It should be noted that the provisional Order shows the tree on land within Chesford Crescent, the location is within the shared access from Dickins Road.

**ASSESSMENT**

The oak tree is a very large mature oak tree, the stem diameter is in excess of 1m. The branch spread varies between 7 and 10 metres in each direction. The tree’s scale and mass provide very significant public amenity. It is clearly visible from Chesford Crescent, Dickins Road and All Saints Road.

It appears to be in good health with a retention span of up to 100 years.

The Council’s Arboricultural Consultant assessed the tree for its TPO quality using the nationally recognised TEMPO method of assessment. The tree scored 22; the TEMPO guidance is that where the score is 16 or more the making of a TPO is merited (if there are no other mitigating circumstances).

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

**OBJECTION**

The Council has received 1 letter of objection to the making of the Order. In summary the objections are: -

1. Falling debris has caused damage to the garage and fence of number 7. There is a large crack in the concrete slab base of the garage
2. Making the lane more usable will mean there will be less fly tipping and other antisocial behaviour such as drug use
3. The tree blocks access to the garage belonging to number 7 Dickins Road
4. The owner of number 7 is paying Council Tax based on her banded property and cannot make full use of her property by placing an order on the tree.

Further to this, the objector asks should the Order be confirmed does this mean it is adopted by the Council and in turn be maintained by the Council. Will the Council be liable for any damage caused by the tree.

Will the Council provide access through their boundary fence to access the garage at number 7?

### **KEY ISSUES**

The key issues to be addressed in deciding whether or not to confirm the Tree Preservation Order are whether the tree is of sufficient amenity importance to justify a TPO, and whether the public benefit afforded by the tree outweighs any private inconvenience experienced by individuals because of the tree.

The tree is considered to be of significant amenity value within the surrounding area.

In response to the objections raised: -

1. It is the landowner's responsibility to maintain the tree. The objector has not provided evidence to support the Oak tree causing damage to the floor of the garage, such as a structural survey report.
2. Felling a mature tree which may result in land becoming more usable is not considered to be a reason to justify the removal of such a significant oak tree with such high amenity value.
3. The garage within the rear garden of 7 Dickins Road is a prefabricated garage. Council records show the garage was built in 1961. The tree would have existed long before the garage was erected.
4. The council tax banding or value of the property is not a consideration within the terms of the regulations controlling the assessment of a tree for protection.

Further to this, the objector asks should the Order be confirmed does this mean it is adopted by the Council and in turn be maintained by the Council?

Will the Council be liable for any damage caused by the tree?

Will the Council provide access through their boundary fence to access the garage at number 7?

In response to these questions:

The confirmation of an Order does not mean the tree is adopted and maintained by the Council.

The Council is not the landowner and therefore not responsible for its maintenance or damage caused by the tree. Dead wooding does not require consent from the Council, this should be carried out by the landowner as routine maintenance.

The matter of providing access through the boundary fence from Chesford Crescent, land that is owned by the Council, is a separate matter and the landowners should discuss this with the Council's Estates Manager.

The effect of the TPO is to allow the Council a measure of control over authorised tree work, not to thwart appropriate work. It will not prevent reasonable work, or the removal of the oak tree if evidence is presented that demonstrates, on the balance of probabilities that the tree is causing the nuisance stated in an application, or that the tree represents a significant risk to persons or property. It will also enable the Council to require the planting of a replacement tree that will continue to be protected by TPO and which will make a positive contribution to the local amenity.

### **SUMMARY/CONCLUSION**

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

**List of Current Planning and Enforcement Appeals  
January 2021**

Public Inquiries

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Inquiry	Current Position

Informal Hearings

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing	Current Position

Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position
W/19/2006	Unit 1, Moss Street, Leamington	Removal of Condition to allow for the Unrestricted Occupancy of 47 bed HMO.	Helena Obremski	Questionnaire: 11/6/20 Statement: 9/7/20	<b>Appeal Dismissed and Costs</b>

		<b>Committee Decision in accordance with Officer Recommendation</b>			<b>Application Refused</b>
<p>When compared to the requirements of the Council's Parking Standards Supplementary Planning Document the Inspector noted that there is a shortfall of 15 spaces for the overall site.</p> <p>The Inspector noted that while the current proposal would reduce the extent of the parking deficit, two of these spaces would not be readily accessible owing to their tandem nature which, particularly for this type of development, is not an appropriate parking arrangement. Even if that was not the case, there would still be a shortfall of 12 parking spaces.</p> <p>One of the key factors why the original development was allowed on appeal was that car ownership amongst students was likely to be lower and that the relative accessibility to services and facilities would mean that there would not be an unacceptable adverse impact on the amenity of local residents as a result of parking stress. The Inspector considered the same principles which applied then equally apply today.</p> <p>At his site visit he observed very high demand for parking spaces in the immediate vicinity of the site and on nearby streets where very few available spaces existed. Whilst my visit was only a snapshot in time, the evidence before me indicates that this situation is typical of the parking characteristics in the area.</p> <p>The Appellant indicated that the tenancy agreements would be able to control that the occupants do not have a vehicle. Whilst this may well assist in controlling the number of vehicles on site, the Inspector considered it would be almost impossible to determine whether the occupants have brought cars into the wider area. As such, he found that this would not be a suitable mechanism to control the number of vehicles which would be generated by the development.</p> <p>The Inspector concluded that condition 15 still performs a useful planning purpose in that it helps to minimise the amount of traffic generated by the proposal to reflect the limited parking available on site and in the surrounding area. The removal of the condition would be likely to result in increased parking stress to the detriment of the living conditions of the occupiers of other residential properties in the area.</p> <p><b>COSTS</b></p>					

The Applicant submits that the Council has acted unreasonably as it failed to alert the Applicant for the need for a section 106 agreement during the course of the determination of the application and was only alerted to this when the report to committee was issued.

The Council argued that this was not the sole concern of its officers and an agreement was not requested so that the Applicant did not incur wasted expense. Furthermore, the Applicant failed to clarify how they have been put to unnecessary expense which must be demonstrated in order for an award of costs to be made.

The Inspector considered that the Council could have informed the Applicant over the need for a legal agreement prior to the publication of the committee report. Whilst such action would have been highly desirable, he considered that this was not an unreasonable approach to take, especially given that this was not the only concern of the Council.

The Inspector reasoned that given that he found that the absence of such an agreement did not change the overall planning merits of the case this further endorses the approach of the Council in not seeking such an agreement.

W/19/1973	Wooton Grange Farm House, Warwick Road, Kenilworth	Extensions and Alterations <b>Delegated</b>	Jonathan Gentry	Questionnaire: 23/4/20 Statement: 15/5/20	Ongoing
W/19/2037	Arden Hill, Lapworth Street, Lapworth	New Dwelling <b>Delegated</b>	Dan Charles	Questionnaire: 26/6/20 Statement: 24/7/20	<b>Appeal Dismissed</b>

The Inspector notes that the impact 'test' for the redevelopment of a previously developed site in the Green Belt under Para 145 of the NPPF is based on a comparison between the development as it exists and what is proposed. It does not include a 'fallback' position of an unimplemented planning permission for a replacement building. Consequently, as he observed on site and evidenced from the submitted plans he found that the existing building is substantially reduced in size due to the fire damage, the

proposed building would be materially larger in terms of bulk and mass than that which presently exists on the site and would therefore have a greater impact on openness.

The Inspector noted that Part d) of Policy H1 supports housing in the open countryside, where amongst other things the site is located adjacent to the boundary of an urban area or growth village, meets an unmet housing need and is within 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. However, he considered that in this case and despite the appeal property not being isolated, it had not been clearly shown that the proposal meets all the requirements of Part d).

The Inspector also noted that the appellant put forward the fall-back position of the extant planning permission for a replacement office building at the appeal site. However, the Inspector mindful that the appellant's submissions and supporting marketing advice which confirm that the building is likely to prove difficult to sell or let with restricted B1(a) office use, led him to seriously doubt the likelihood of the fall-back being implemented.

W/19/0860	6 Phillipps Road, Warwick	Change of use to Garden and Erection of Fencing <b>Committee Decision in accordance with Officer Recommendation</b>	Emma Booker	Questionnaire: 22/7/20 Statement: 13/8/20	Ongoing
W/19/1604	17 Pears Close, Kenilworth	First and Ground Floor Extensions <b>Delegated</b>	George Whitehouse	Questionnaire: 19/6/20 Statement: N/A	Ongoing
W/19/1558	Land rear of 14 – 16 Randall Road, Kenilworth	Detached Bungalow <b>Delegated</b>	Helena Obremski	Questionnaire: 26/6/20 Statement: 24/7/20	Ongoing

W/19/1572	Land off Birmingham Road and A46, Warwick	2 Dwellings <b>Delegated</b>	Helena Obremski	Questionnaire: 26/6/20 Statement: 24/7/20	Ongoing
W/19/1949	22 St Mary's Terrace, Leamington	Conversion and Extension of Garage into Dwelling <b>Delegated</b>	Rebecca Compton	Questionnaire: 26/6/20 Statement: 24/7/20	<b>Appeal Dismissed</b>

The Inspector noted that the prevailing character and appearance of the street scene is dominated by two storey Victorian terraces with rear amenity areas. These include regular forms and plot configurations along with attention to fenestration designs and detailing. Collectively, these achieve a degree of uniformity to the street scene and a distinct pattern of development. Thereby making a positive contribution to the character and appearance of the CA.

The Inspector observed that the existing garages are modern additions and not of any notable architectural merit. Nevertheless, they are settled within the street scene and are not uncommon for the area. Therefore, these make a neutral contribution to the significance of the CA.

The Inspector considered that due to its form, layout and design, the proposed dwelling would appear contrived and would not reflect the prevailing character and appearance of the adjacent terraces. The proposed development would therefore reflect poor design and would appear incongruous.

The Inspector noted that the appellant is willing to replace the existing dropped kerb access to the garages with a standard height kerb which would create an additional on-street parking space outside the property and this could be secured by a condition thereby overcoming the parking issue.

The Inspector noted that the proposal would introduce a two-storey building, immediately to the rear of the modest gardens associated with these properties. Furthermore, its rear elevation would predominantly comprise a large expanse of brickwork, with



minimal articulation. As such, the new dwelling would have a particularly dominant and enclosing effect on neighbours and significantly worsen the outlook.

He also considered that the lack of outdoor private amenity space would seriously undermine the overall quality of the proposed dwelling as a living environment.

W/19/1963 and W/19/1964/LB	Rectory Cottage, Church Lane, Lapworth	Demolition of Garage Block and erection of Sun Room <b>Delegated</b>	George Whitehouse	Questionnaire: 19/8/20 Statement: 16/9/20	Ongoing
W/20/0097	10 Wasperton Road, Wasperton	Change of Use of Store Room to Dog Grooming Salon <b>Delegated</b>	Rebecca Compton	Questionnaire: 19/8/20 Statement: 16/9/20	Ongoing
W/19/1197	89 Shrubland Street, Leamington	Change of Use to HMO <b>Appeal against Non- Determination</b>	Rebecca Compton	Questionnaire: 1/9/20 Statement: 29/9/20	Ongoing  See also enforcement appeal below
W/20/0247	3-5 Mill Street, Leamington	Subdivision into 2 dwellings; Extensions and other Alterations <b>Appeal against Non- Determination</b>	Emma Booker	Questionnaire: 11/9/20 Statement: 9/10/20	<b>Appeal Dismissed</b>

The Inspector observed that Mill Street is close to the town centre, it is only a short section of road but is part of a network of more extensive roads. The houses in the area are typically close to the roads, with little off-street parking and much of the streets have restricted parking.

The Inspector noted that the proposal would be an additional unit of accommodation. Even allowing for the smaller size of the resulting dwellings, there would be an increase in the need for parking as four spaces would be required rather than three currently. He noted that the proposal cannot provide any spaces and would increase pressure on the current on-street spaces. Whilst the shortfall would only be one space he considered that this would be significant for such a small street. The resulting parking pressure would lead to more congestion, more manoeuvring and movements to try to find spaces in the locality, which would be likely to jeopardise safety. He also noted unauthorised and obstructing parking in Mill Street on his site visit.

W/20/0980	9 Camberwell Terrace, Leamington	Front Lightwells <b>Delegated</b>	Emma Booker	Questionnaire: 25/9/20 Statement: 19/10/20	Ongoing
W/20/0262	Old Barn, Sands Farm, Old Warwick Road, Lapworth	Change of use to Dwelling <b>Delegated</b>	Helena Obremski	Questionnaire: 28/9/20 Statement: 26/10/20	<b>Appeal Dismissed</b>

The Inspector noted that for the purposes of planning policy, the site is located in the open countryside and in view of its particular position, isn't accessible by a range of transport options thereby encouraging reliance on the private car and not suitable for the location of new residential development.

He considered that the scale of the development and additional windows would change the character of the barn to a domestic feature and in doing so add a harmful modern intervention within the setting of a Listed Building.

Finally, the Inspector considered that in only gaining natural light from rooflights, 3 of the proposed bedrooms would not be of suitable quality in terms of residential amenity.

For those reasons the appeal was dismissed.

W/20/0271	The Hay Barn, Packwood Lane	Replacement Garage <b>Delegated</b>	Jonathan Gentry	Questionnaire: 8/9/20 Statement: 30/9/20	Ongoing
W/20/0467	Morrisons, Old Warwick Road, Leamington	Various Signage <b>Delegated</b>	Lucy Hammond	Questionnaire: 28/9/20 Statement: 26/10/20	<b>Appeal Dismissed</b>

The Inspector noted that the proposed vinyls would extend to the full side and rear elevations of the car repair module. These would result in the creation of a broad array of text and graphics. He considered that this would be a stark addition that would have a harmful visual impact on the site in contrast to the existing low-key setting. The adverts would be dominant and expressive and would draw further attention to the structures and their discordant location.. The proposed advertisements would not be sympathetic to their surroundings being poorly sited and designed.

W/20/0201	37 Shakespeare Avenue, Warwick	First floor Side Extension <b>Delegated</b>	Thomas Fojut	Questionnaire: 8/9/20 Statement: 30/9/20	<b>Appeal Allowed</b>
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The Inspector observed that the neighbouring property at No.35, is located immediately to the east of the appeal property, occupies a corner plot and is sited at an angle in relation to the appeal property. It also projects beyond the front elevation of No 37. He acknowledged that the first-floor side extension would not comply with the requirement of the RDG regarding the 1m set in from the side boundary, however, he considered that given its siting in relation to the host dwelling, and the position of No 37 in relation to No 35, the two-storey side extension would not result in a terracing effect. He also noted that the relevant wording in the RDG allows for a degree of flexibility in terms of building to the common boundary.

W/19/1197	89 Shrubland Street, Leamington	Change of Use to 7 Bed HMO <b>Appeal against Non-Determination</b>	Rebecca Compton	Questionnaire: 1/9/20 Statement: 29/9/20	Ongoing
W/20/0801	5 Cubbington Road, Lillington	Front Boundary Wall <b>Delegated</b>	George Whitehouse	Questionnaire: 23/10/20 Statement: 16/11/20	<b>Appeal Dismissed</b>

The Inspector noted that due to front gardens which contain mature vegetation and low boundary walls, the streetscene had an open, spacious and verdant character. Whilst acknowledging examples of other boundary treatments along the road such as railings and gate piers, he considered the mature border planting to be a prominent feature of the area.

The Inspector reasoned that while the height, width, design and materials of the proposal may be similar to other metal railings in the road, nonetheless, the development would create a significant visible structure that would be at odds with the verdant qualities of the surroundings and would contrast starkly with immediate neighbouring boundary treatments.

Irrespective of any presence historically of a hedge at the front of the property, the introduction of the proposed built form would erode the overriding character of the area. The provision of additional landscaping behind the proposed railings would do little to ameliorate the harm. In any event, such landscaping would take time to establish and its retention in the long term could not be guaranteed.

He also made the point that not all boundary treatments in the road make a positive contribution to the character and appearance of the area and cannot be treated as a persuasive precedent for allowing the appeal.

W/20/0170	Eversleigh Nursing Home, 2-4 Clarendon Place, Leamington	Car parking and Landscaping <b>Delegated</b>	Helena Obremski	Questionnaire: 13/10/20 Statement: 10/11/20	Ongoing
W/20/0466	Morrisons, Old Warwick Road, Leamington	Structures to form MOT Pod, Wheel Repair Pod and Car Repair Centre <b>Delegated</b>	Lucy Hammond	Questionnaire: 15/10/20 Statement: 29/11/20	<b>Appeal Dismissed</b>

The Inspector noted that Policy EC1 does not expressly state where such B Class uses would be unacceptable, but it does provide a clear and unambiguous direction as to where new employment opportunities should be targeted. Although, the site is within an area of commercial activity, this is not an existing employment area. Therefore, the proposal would conflict with the expectations of the policy in creating an isolated and disconnected employment use outside of a defined area that would not support existing employment areas.

The Inspector was satisfied that a positive benefit of the proposal would be the reuse of previously developed land. The Framework supports development of such land and the site is well connected to the highway network. However, he thought these benefits would not outweigh the conflict found with the policy. 6 jobs and more consumer choice were given moderate weight only.

The Inspector observed that the area to the rear of the food store is relatively prominent due to the vehicle access arrangements and the generally open nature of the car park. He considered that in its undeveloped form the site would have made a positive contribution to the open character of the area.

The Inspector considered that the modules are in a relatively prominent and isolated position and due to their height and choice of materials, they do not complement the design of the food store and have the appearance of purely functional industrial buildings. They would therefore not integrate well with the surrounding commercial environment. This impact is further emphasised when the roller shutters are down and the business closed, as observed during my visit. Furthermore, the MOT and Repair Centre modules present a utilitarian rear elevation to customers arriving to the store from this entrance. The concluded that the modules are therefore an overt and harmful addition to the car park.

W/20/0834	21 Wordsworth Drive, Kenilworth	Part rendering to Front and Rear <b>Delegated</b>	Thomas Fojut	Questionnaire: 16/10/20 Statement: 9/11/20	<b>Appeal Allowed</b>
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The Inspector observed that the properties in the street are predominantly brick properties, with some examples of render detailing and also noted that the appeal property has been extended and already looks different to other houses in the locality. The Inspector considered that the appeal property was not part of a street scene where a strong degree of design conformity is required, such as a terrace. Within this context, he concluded that the application of render would not harm the appearance of the property or the area around it.

Furthermore, the brickwork used for the existing extension does not closely match that of the original house. Rendering this brickwork and parts of the other elevations would unify the appearance of the property, whilst also retaining a large amount of brickwork. Taking account of this decision it is considered that the Council should take a more pragmatic approach to applications for render and carefully consider the context and judge whether it is part of a streetscene where a strong degree of design conformity is required. Different should not automatically mean harmful.

W/20/0285	Pool Peace Bungalow Five Ways Road, Shrewley	Appeal against the refusal of a Certificate of Lawfulness for the Continued Occupation of a Dwelling without complying with an Agricultural Occupancy Condition.	Andrew Tew	Questionnaire: 26/11/20 Statement: 24/12/20	Ongoing
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		<b>Delegated</b>			
W/20/0331	The White House, Five Ways Road, Shrewley	Replacement Dwelling <b>Delegated</b>	Andrew Tew	Questionnaire: 13/11/20 Statement: 11/12/20	Ongoing
W/20/0420	2 Penns Close	Decking and Steps <b>Delegated</b>	George Whitehouse	Questionnaire: 18/11/20 Statement: 10/12/20	Ongoing
W/20/0622	5 Tilsley Close	Extension to Garage <b>Delegated</b>	George Whitehouse	Questionnaire: 30/10/20 Statement: 23/11/20	<b>Appeal Dismissed</b>

The Inspector noted that the street consists of detached two-storey dwellings with double garages set back behind the rear building line. The properties are arranged around a slight curve in the highway. Consequently, the rear elevation of No 7 partly faces the side boundary of the appeal site. Furthermore, Tilsley Close follows a gradient. As a result, the garden of No 7 is around 1.5-2 metres lower than the garden of the appeal site. Therefore, the rear and side boundary of the neighbouring garden includes a large retaining wall and a close boarded boundary fence above.

During his visit he observed that the rear elevation of No 7 had six windows, five of these appeared to serve habitable rooms. The appellant's existing garage would therefore be a large and dominant feature within the neighbour's outlook from their rear windows.

The proposal and especially its roof, would create an extension of substantial mass adjacent to the boundary. The significant height differential, between the garage and neighbour's windows, would result in a particularly acute relationship. As such, this relationship would result in the proposal having a demonstrable and harmful impact on the outlook of the neighbouring occupiers.

The proposed extension would be to the north of the neighbour's rear elevation. As a result, access to sunlight would be largely unaffected by the proposed scheme.

The appellant refers to the effect of a possible replacement boundary wall being of greater impact than the proposal. However, the Inspector considered that it is not in evidence that such a fall-back position exists. In any event, he did not concur that such an effect would be more harmful.

W/20/0992	6 Tithe Barn Close	Two Storey Rear Extension <b>Delegated</b>	George Whitehouse	Questionnaire: 30/10/20 Statement: 23/11/20	Ongoing
W/20/0940	Glenthorne, Five Ways Road, Shrewley	Appeal against a Certificate of Lawfulness for the use of a Building as a Dwelling. <b>Delegated</b>	Helena Obremski	Questionnaire: 14/12/20 Statement: 4/1/21	Ongoing
W/20/1091	Terets Lodge, Rising Lane, Lapworth	Single Storey Rear Extension <b>Delegated</b>	Jonathan Gentry	Questionnaire: 14/12/20 Statement: 4/1/21	Ongoing



W/20/0716 and 0717/LB	28 Kenilworth Road, Leamington	Two storey Rear Extension to construct 3 Apartments <b>Delegated</b>	Lucy Hammond	Questionnaire: 25/11/20 Statement: 9/12/20	<b>Appeals Dismissed</b>
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The Inspector noted that appeal building, in common with most of the nearby villas, has a long two-storey service wing to the rear. The proposed extension would almost double the depth of the existing rear wing, with an eaves and ridge height matching the existing. There would be no visual differentiation between what is the currently the 'service' wing and what would be the extension, with walls and roof planes 'run through' on the same plane and alignment. Further, the historic end gable would be completely obscured. As such, there would be no degree of subservience at all to the main building, contrary to the advice in the Residential Design Guide SPD. Overall, he considered the extension would be disproportionate in terms of its scale bulk, and massing, and would dilute and confuse the building's historic origins.

The Inspector also raised concerns regarding the somewhat diagrammatic nature of the submitted plans, which lack the full details that would be expected in any scheme affecting a listed building stating that this lack of information concerning the effect of the proposal on historic fabric is a serious shortcoming of the scheme. He noted that most of the proposed new window openings would have a horizontal emphasis, completely at odds with the vertical proportions of those in the existing main building and service wing.

The Inspector noted that the Arboricultural Assessment recommends that a 'pile and beam' foundation methodology is used to safeguard the Wellingtonia tree's roots and ensure that any damage is minimised. However, he found that the Assessment contains no suggestion that any investigations have been carried out such as the digging of trial pits, soil analysis, or the identification of any specific roots which may lie beneath the site of the proposed extension. If such roots were found he had concerns that the development could potentially threaten the tree's future health and longevity. In addition, the Assessment says pressure for tree removal should not increase as a result of the proposed development. However, the Inspector considered that the tree would be very close to the extension, and some limbs would overhang the roof in some places. Indeed, the Assessment says the canopy will need to be reduced by 2m where it overhangs the site to provide clearance for the building, and may need to be crown-lifted in the future. Such measures would seriously compromise the tree's amenity value. He concluded that the proposal would potentially harm the future and life expectancy of the Wellingtonia tree.

<p>Whilst the proposed apartments would provide future occupiers with acceptable living conditions, the Inspector noted that the extension would totally block two windows in the existing rear gable elevation. Consequently, two rooms within the HMO served by those windows would be totally deprived of outlook and natural light.</p>					
W/20/0775	10 Almond Avenue, Leamington	One and Two Storey Extensions <b>Delegated</b>	Thomas Fojut	Questionnaire: 28/10/20 Statement: 19/11/20	<b>Appeal Allowed</b>
<p>The Inspector observed that due to its roof design and substantial projecting front gable, the appeal dwelling is unique in its appearance in relation to the surrounding street scene. He noted that requirement in the Residential Design Guide to set extensions down and back, however, he noted that to require that such a stipulation be met with respect to the proposed two storey side extension would mean that it would not be able to replicate the design aesthetics of the front elevation of the original dwelling and it would not allow for the symmetrical and visually pleasing design that is proposed to what is an individually designed building. Furthermore, as the projecting gable is the dominant visual feature on the dwelling, the design proposed would achieve an adequately subservient appearance.</p>					
<b>New</b> W/20/0483	17 Gaveston Road, Leamington	Appeal against the refusal of a Lawful Development Certificate for the Use of the Property. <b>Delegated</b>	Andrew Tew	Questionnaire: 3/12/20 Statement: 31/12/20	Ongoing
<b>New</b> W/20/1167	Great Pinley Barns, Nunhold Road, Shrewley	Removal of Condition Restricting Permitted Development Rights <b>Delegated</b>	Andrew Tew	Questionnaire: 14/12/20 Statement: 25/1/21	Ongoing

<b>New</b> W/20/1055	Hobournes, Upper Spring Lane, Kenilworth	Two Detached Dwellings <b>Committee Decision contrary to Officer Recommendation</b>	Helena Obremski	Questionnaire: 14/12/20 Statement: 25/1/21	Ongoing
<b>New</b> W/20/1275	River Studio, Old Milverton Lane, Old Milverton	Removal of Condition Restricting Permitted Development Rights <b>Delegated</b>	Helena Obremski	Questionnaire: 21/12/20 Statement: 1/2/21	Ongoing
<b>New</b> W/20/0774	1 Beaurevoir Way, Warwick	Erection of a Dwelling <b>Delegated</b>	Rebecca Compton	Questionnaire: 21/12/20 Statement: 1/2/21	Ongoing

Enforcement Appeals

Reference	Address	Issue	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
ACT 450/08	Meadow Cottage, Hill Wootton	Construction of Outbuilding	RR	Statement: 22/11/19	Public inquiry 1 Day	The inquiry has been held in abeyance
ACT 097/17	2 Satchwell Place, Leamington Spa	Construction of Fence	RR	Statement: 23/6/20	Written Representations	Ongoing

**Grounds of Appeal**

The steps to comply with the notice are excessive  
The Notice compliance period is too short.

ACT/565/18	41 Clemens Street, Leamington	Erection of structures/fencing to the front of the premises	RR	Statement Due: 5/11/20	Written Representations	Ongoing
<b>Grounds of Appeal</b>						
<p>That the alleged works haven't taken place.  That the alleged works (if they occurred) do not constitute a breach of planning control.  That the steps to comply with the notice are excessive.</p>						
ACT/386/19	89 Shrubland Street, Leamington	Change of use to a 7 bed HMO.	RC	Statement Due: 11/09/20	Written Representations	Ongoing
<b>Grounds of Appeal</b>						
<p>Planning permission ought to be granted.</p>						
ACT/354/20	Old Folly Barn, Kites Nest Lane, Beausale, Warwick	Erection of detached car port.	GW	Statement Due: 5/8/20	Written Representations	Ongoing

Tree Appeals

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position