

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa, on Wednesday 4 December 2019 at 6.00pm.

Councillor Boad (Chairman)

Councillor Morris (Vice Chairman)

Councillor M Ashford

Councillor N Murphy

Councillor R Dickson

Councillor W Roberts

Councillor T Heath

Councillor J Weber

Councillor J Kennedy

Vacancy

Councillor V Leigh-Hunt

Emergency Procedure

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

Agenda

Part A – General

1. Apologies & Substitutes

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

2. Declarations of Interest

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

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

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

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

3. Site Visits

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

4. Minutes

- (a) To confirm the minutes of the meeting held on 5 November 2019.
(Pages 1 to 40)
- (b) To confirm the minutes of the meeting held on 6 November 2019.
(Pages 1 to 10)

Part B – Planning Applications

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

- 5. **W/14/1340 – Land at Common Lane, Kenilworth** **(Pages 1 to 2)**
- 6. **W/19/0498 – 1 Farley Street, Royal Leamington Spa** **(Pages 1 to 15)**
- 7. **W/19/0674 – 6 Jury Street, Warwick** **(Pages 1 to 4)**
- 8. **W/19/0980 LB – 6 Jury Street, Warwick** **(Pages 1 to 4)**
- 9. **W/19/0807 – 1 The Elms, Leek Wootton** **(Pages 1 to 3)**
- 10. **W/19/1544 – 4 Markham Drive, Whitnash** **(Pages 1 to 5)**
- 11. **Land at The Valley, Radford Semele** **(Pages 1 to 16)**

Part C – Other matters

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

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8.45am to 5.15pm and Friday 8.45am to 4.45pm) or email committee@warwickdc.gov.uk any time after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.

- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

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

You can e-mail the members of the Committee at

planningcommittee@warwickdc.gov.uk

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

Planning Committee

Minutes of the meeting held on Tuesday 5 November 2019 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Boad (Chairman); Councillors R. Dickson, Heath, Kennedy, Leigh-Hunt, Morris, Murphy, Roberts, Sanghera, Weber and Wright.

Also Present: Principal Committee Services Officer – Mrs Dury; Legal Advisor – Mrs Gutteridge; Head of Development Services – Mr Barber; Development Services Manager – Mr Fisher; Principal Planning Officer – Ms Obremski; Warwickshire County Council Highways Officer – Mr Simm.

86. **Apologies and Substitutes**

(a) There were no apologies made.

(b) Councillor Wright substituted for Councillor Ashford.

87. **Declarations of Interest**

There were no declarations of interest.

88. **Site Visits**

There were no site visits made.

89. **Minutes**

The minutes of the meetings held on 8 October 2019 and 9 October 2019 were taken as read and signed by the Chairman as a correct record.

90. **W/19/1030 – Oakley Grove Phase 3, Land off Harbury Lane and Oakley Wood Road, Royal Leamington Spa**

The Committee considered an outline application from AC Lloyd (Homes) Limited for a proposed primary school and secondary school with sixth form, sports pitch provision including flood lights, land for use as a country park and a residential development of up to 150 dwellings, with all matters reserved apart from access.

The application was presented to Committee because of the number of objections received. The application was also subject to a Section 106 agreement.

The officer explained that the NPPG stated that "the development plan is at the heart of the planning system with a requirement set in law that planning decisions must be taken in line with the development plan unless material considerations indicate otherwise". Therefore, a departure from the Local Plan would be lawful, but only if material circumstances existed which would justify such a departure.

PLANNING COMMITTEE MINUTES (Continued)

It was considered that there was a well-justified education need for the development which had been adequately demonstrated. A clear site options assessment was made and it concluded that this was the only available site. The housing development was required in order to provide this education need, which the NPPF stated should be given great weight.

The development was considered to have a moderate level of harm on the landscape. It was also acknowledged that bringing the built form closer to Bishop's Tachbrook would have a detrimental impact on the setting of the Conservation Area and nearby listed buildings. This harm was less than substantial so had to be weighed against any public benefits derived from the scheme. Providing a community use facility which would have health and wellbeing benefits, providing a wider range of facilities than the current Country Park and increasing its overall size, creating a sustainable green link which provided easier access to the Country Park and south of Leamington and meeting the education needs which the Council was required to provide were all material public benefits which officers considered outweighed the level of harm identified.

The development would also deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs, the provision of open space, and improvements to shared infrastructure. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, provision of open spaces, sustainable drainage measures and improved footpath/cycle way links. The site was in a sustainable location adjacent to the urban area and would be integrated into the existing settlement by sustainable transport links.

The applicant had been able to demonstrate that the development would have an acceptable impact on the highways network, subject to financial contributions. It had been concluded that any issues of concern that had been raised could be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities, and the provision of sustainable infrastructure improvements by way of financial contributions.

In the particular circumstances of this application, it was considered that a departure from the Local Plan was justified. The provision of adequate education facilities to meet the Council's education requirements carried substantial weight and the benefits which would be brought about as a result of the development, including the increase in the size of the Country Park and community use facility were considered to be significant. It was therefore concluded that planning permission should be granted.

An addendum circulated at the meeting advised that officers wished to clarify that in the event that Councillors approved the application, it was also requested that Councillors agreed to amendments to the Section 106 agreements relating to the earlier phases of development (ref: W/14/0023 and W/15/0851) relating to public open space and allotment provision.

PLANNING COMMITTEE MINUTES (Continued)

These amendments were also required by the Section 106 agreement for the current application to ensure that they were made.

Councillors were requested that in the event of resolving to approve the application, authority was delegated to the Head of Development Services in conjunction with the Chair of Planning Committee to agree the figure for the open space contribution for the residential element of the scheme.

Officers confirmed that the residential element of the proposal would be CIL liable and the likely contribution would be approximately £1.9 million, which would be apportioned between the District and Parish Council.

The applicant had requested that Councillors were made aware that the education land and country park land would be transferred to the District/County Councils at effectively nil cost, and that the education land would replace the historic obligation to transfer the Phase 1 primary school land to the County Council.

It should also be noted that there were ongoing discussion regarding the S106 Agreement heads of terms.

The Addendum gave details of further responses received, including those made by County Councillor, Councillor Caborn, and Bishop's Tachbrook Parish Council. A petition of 1,027 signatures had also been submitted against the proposals, and the wording of the petition was detailed in the Addendum along with summarised details of 125 comments that were attached to the petition. Officers drew Members' attention to the fact that the wording of the petition did not align accurately with the description of the proposed development, and therefore the number of signatures should be considered with this in mind.

The wording of conditions 17, 18, 19, 21, 24 and 30 had been changed to enable these to be discharged on a phased basis. Condition 28 had been changed to require this to be discharged alongside any reserved matters application, rather than beforehand. The correct wording for Conditions 6 and 20 was also detailed in the Addendum.

The following people addressed the Committee:

- Councillor Greene, representing Bishop's Tachbrook Parish Council which held neutral views on the application;
- Messrs Martin and White, who objected to the proposals;
- Messrs Budd and Green, who supported the proposals;
- Councillor Hayfield, who was the Warwickshire County Council Portfolio Holder for Education, who spoke in support of the application; and
- Councillor Day, Ward Councillor, who spoke in support.

Officers asked Members that should they be minded to approve the application, then to delegate authority to the Head of Development Services in conjunction with the Chair of Planning Committee to agree to the amendments to the Section 106 agreement relating to the earlier phases of development.

PLANNING COMMITTEE MINUTES (Continued)

Members were informed that the land for the school would not be available without the housing when they questioned the need for 150 dwellings.

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

The Committee therefore

Resolved that W/19/1030 be **granted** subject to a Section 106 agreement to secure the necessary financial contributions/obligations in relation to health services, 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 and affordable housing.

Authority is delegated 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 3 December 2019, authority is delegated 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.

Authority is delegated to the Head of Development Services in conjunction with the Chair of Planning Committee to agree amendments to the Section 106 agreements relating to earlier phases of development (W/14/0023 and W/15/0851) relating to public open space and allotment provision and to agree the figure for the open space Section 106 contribution and the S106 contributions of the earlier phases of development applications.

Conditions:

- (1) details of the means of access to the building(s) and site, appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall
- Item 4a / Page 4

PLANNING COMMITTEE MINUTES (Continued)

be carried out in full accordance with these reserved matters as approved. The landscaping plans should be informed by the results of the archaeological evaluation secured by condition 12. **Reason:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended);

- (2) application for approval of the reserved matters shall be made to the local planning authority not later than five years from the date of this permission. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (3) the development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (4) the development hereby permitted shall be carried out strictly in accordance with the parameters plan 0301 Rev P-07, and specification contained therein, submitted on 19th September 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (5) no development of the school playing field area shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
 - (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing fields which identifies constraints which could affect playing field quality; and
 - (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing fields will be provided to an acceptable quality and within an agreed timeframe. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and

PLANNING COMMITTEE MINUTES (Continued)

sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the timeframe agreed with the Local Planning Authority pursuant to (ii) above. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord Warwick District Local Plan policy HS5;

- (6) each phase of the development hereby permitted shall not commence until a Construction and Environmental Management Plan for that phase has been submitted to and approved in writing by the District Planning Authority. The CEMP needs to be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. In discharging this condition the LPA expect to see details concerning pre-commencement checks and any updated surveys that may be required due to the time lapsed between the original survey and the anticipated commencement of development; monitoring for protected and notable species, as deemed appropriate; plus necessary 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 ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy NE2 of the Warwick District Local Plan 2011 – 2029;

- (7) each phase of the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan for that phase has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and

PLANNING COMMITTEE MINUTES (Continued)

management, such as water bodies, native species planting, wildflower grasslands; woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF and Policy NE2 of the Warwick District Local Plan 2011 – 2029;

- (8) no reserved matters application shall be submitted more than 18 months after the completion of each of the protected species surveys that were submitted as part of the outline planning application unless and until:
- an updated survey for that species has been carried out; and
 - a report detailing the results of the survey and any recommendations in relation to mitigation measures or restrictions on the layout of the development has been submitted to and approved in writing by the local planning authority.

Any mitigation measures approved under this condition shall be implemented in full. Any reserved matters application shall accord with these mitigation measures.

Reason: To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011 - 2029.

Note: The outcomes of the surveys are likely to have implications for the design and/or layout of the development;

- (9) no phase of development shall take place until:
1. (a) A site investigation for that phase has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
 - (a) A risk assessment to be undertaken relating to human health

PLANNING COMMITTEE MINUTES (Continued)

- (b) A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
 - An appropriate gas risk assessment to be undertaken
 - Refinement of the conceptual model
 - The development of a method statement detailing the remediation requirements
 - (b) The site investigation for that phase has been undertaken in accordance with details approved by the planning authority and a risk assessment has been undertaken.
 - (c) A method statement detailing the remediation requirements for that phase, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the planning authority prior to the remediation being carried out on the site.
2. All development of the phase shall accord with the approved method statement.
 3. If during development of that phase, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.
 4. Upon completion of the remediation detailed in the method statement for that phase a report shall be submitted to the planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the

PLANNING COMMITTEE MINUTES (Continued)

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;

(10) no phase of the development hereby permitted (including any works of demolition) shall commence unless and until a construction method statement for that phase 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:

- A construction phasing plan
- A HGV routing plan
- Any temporary measures required to manage traffic during construction
- Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction
- Dust management and suppression measures – level of mitigation determined using IAQM guidance
- Wheel washing
- Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2
- Concrete crusher if required or alternative procedure
- Delivery times and site working hours
- Site lighting
- Access and protection arrangements around the site for pedestrians, cyclists and other road users
- Restrictions on burning and details of all temporary contractors buildings
- Plant and storage of materials associated with the development process
- External safety and information signing notices

PLANNING COMMITTEE MINUTES (Continued)

- Complaints procedures, including complaints response procedures and dedicated points of contact
- Best practicable means shall be employed at all times to control noise and dust on the site including:
 - Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
 - Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon – Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

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

- (11) no development shall take place across the area of the site identified in the document entitled "Oakley Grove Phase 3 Harbury Lane, Royal Leamington Spa, Archaeological Evaluation Report October 2018" (submitted at appendix 5 of the Heritage Assessment) and indicatively shown hatched in blue on the figure titled 'W/19/1030 – Archaeological Plan' until an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development 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 approved documents, shall be undertaken in accordance with the approved Archaeological 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/or protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

(12) no development works, including planting and other landscaping, shall take place across the area of the site that was **not** evaluated and identified within the "Oakley Grove Phase 3 Harbury Lane, Royal Leamington Spa, Archaeological Evaluation Report October 2018" (submitted at appendix 5 of the Heritage Assessment) and indicatively shown hatched in pink on the figure titled 'W/19/1030 – Archaeological Plan' until:

a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work across that area has been submitted to and approved in writing by the Local Planning Authority.

b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. 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. This should detail a strategy to mitigate the archaeological impact of any development works, including landscaping across the area highlighted in pink on figure titled 'W/19/1030 – Archaeological Plan' 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 approved documents, shall be undertaken in accordance with those documents. **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/or protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

(13) no phase of the development shall take place until a detailed surface water drainage scheme

Item 4a / Page 11

PLANNING COMMITTEE MINUTES (Continued)

for that phase, based on sustainable drainage principles, the approved FRA 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 phase of development is completed. The scheme to be submitted shall:

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

Reason: To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011 – 2029;

- (14) no phase of development shall commence until details of foul water drainage for that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with such approved details.

PLANNING COMMITTEE MINUTES (Continued)

Reason: To ensure that adequate drainage facilities are available and to minimise flood risk, in accordance with the National Planning Policy Framework and Policy FW2 of the Warwick District Local Plan 2011-2029;

- (15) no phase of development shall take place until a scheme has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards for that phase will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **Reason:** To ensure Secured by Design standards are met, in accordance with Policy HS7 of the Warwick District Local Plan 2011 – 2029;
- (16) the school development hereby permitted shall not be commenced unless and until a pre-assessment and design stage assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. The school development shall not be occupied unless and until a completion stage assessment by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. **Reason:** To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029;
- (17) no phase of the development hereby permitted shall be occupied until a scheme for that phase which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times
- Item 4a / Page 13

PLANNING COMMITTEE MINUTES (Continued)

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) no phase of the development hereby permitted shall be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes for that phase, 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;

(19) no lighting shall be installed on any phase of the development 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 details must include:

- a layout plan detailing the position and type of the proposed lighting for both the construction and operational phase lighting. This should incorporate a zone of influence contour plan showing illuminance levels in relation to residential receptors prior to work starting. The lighting assessment should provide maximum vertical illuminance levels at nearby residential receptors.
- mounting heights and beam orientation, description and type of luminaires / lamp and angle of lighting and predicted light spill/ trespass beyond the site.
- steps taken to minimize light trespass, glare and sky glow.
- proposed time of operation of the lighting in the scheme including details of any control such as movement detectors and timers and a CMS (Central Management System).
- purpose of the lighting – e.g. general amenity , security, advertising.
- how the lighting has been designed to mitigate harm to protected species.

The development shall not be carried out otherwise than in full accordance with such approved details. **Reason:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby

Item 4a / Page 14

PLANNING COMMITTEE MINUTES (Continued)

properties and that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029;

- (20) no development or other operations (including demolition, site clearance or other preparatory works) shall commence until adequate measures have been taken to protect existing trees, scrub and ground flora of the adjacent Local Wildlife Site, Tach Brook, during development. A barrier, such as a wire fence, should be erected before works start. This fenced area should include a buffer zone of at least 8 metres between the development and the boundary of the LWS. It is important NOT to allow access, or storage of materials within this buffer zone, otherwise soil compaction is likely to occur, with subsequent damage to the ground flora. It should be ensured that there is no contamination of the watercourse either during or after development. **Reason:** To ensure the protection of important habitats during development in accordance with Policy NE2 of the Warwick District Local Plan 2011 - 2029;
- (21) No development or other operations (including demolition, site clearance or other preparatory works) shall commence on any phase of the development unless the tree protection measures identified in the approved application documentation for that phase have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or
- Item 4a / Page 15

PLANNING COMMITTEE MINUTES (Continued)

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

- (22) no part of the education phase shall be occupied until the detailed drawings for the layout of the access arrangements have been laid out, constructed and implemented in accordance with drawing 20232-02 Rev D.

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

- (23) no part of the development shall be occupied until the detailed drawings for the layout of the access arrangements have been laid out, constructed and implemented in accordance with drawing 20232-04. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (24) any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects for each phase of development within the first planting season following the first use of the dwellings or buildings in that phase, save that the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of each phase shall be replaced within the next planting season by tree(s) or shrub(s) of the same size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (25) 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

PLANNING COMMITTEE MINUTES (Continued)

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;

- (26) the mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the Strategic Housing Market Assessment at the point of submission. **Reason:** To ensure the provision of adequate affordable housing in accordance with the advice contained within the National Planning Policy Framework and Policy H4 of the Warwick District Local Plan 2011-2029;

- (27) the building heights shall not exceed the heights set out in the approved parameters plan 0301 Rev P-07. **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;

- (28) prior to the approval of any reserved matters application a scheme of mitigation for the relevant phase of development including detailed arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **Reason:** To provide a satisfactory

PLANNING COMMITTEE MINUTES (Continued)

noise environment for the future occupiers of the development in accordance with Policy BE3 of the Warwick District Local Plan 2011 - 2029;

- (29) the sports pitches shall not be used after 21:00 and before 08:00, except for the pitches shown on drawing 0305 P-00 submitted to the Local Authority on 27th September 2019 which shall not be used after 21:00 and before 07:00 Monday - Friday inclusive and before 08:00 Saturday and Sunday. **Reason:** To ensure that the premises are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
- (30) no occupation and subsequent use of each phase of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the life time of that phase of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan. **Reason:** To ensure the future maintenance of the sustainable drainage structures in accordance with FW2 of the Warwick District Local Plan 2011 - 2029; and
- (31) a condition requiring the applicant to submit a School Travel Plan.

91. W/19/0933 – Land on the North Side of Birmingham Road, Hatton

The Committee considered an application from Taylor Wimpey UK Limited for 150 dwellings (Class C3), new vehicular access from Birmingham Road, new temporary vehicular access for sales and construction from Birmingham Road and associated works.

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

The officer was of the opinion that the development of this allocated site (H28) for the construction of 150 dwellings together with the necessary infrastructure and associated works, including the provision of open spaces and highway improvements was considered to be acceptable in principle in accordance with Local Plan Policy DS11.

Following the withdrawal of the earlier application due to the issue with providing an appropriate pedestrian cycle link, the applicants had assessed the available options. The applicants had now confirmed that they were

PLANNING COMMITTEE MINUTES (Continued)

accepting of a Grampian Condition to secure the provision of the link and this was within the list of conditions accordingly.

The proposals would ensure appropriate levels of amenity for neighbouring dwellings whilst also providing positive and suitable living conditions for future occupants. The proposals would have a positive impact on the character and appearance of the area. Additionally, the proposals were considered to be acceptable in terms of car parking and highway safety.

Furthermore, the proposals were considered to be acceptable in ecological terms and there were a number of necessary and relevant conditions recommended in the event permission was forthcoming which would ensure that any possible impacts of the development were adequately mitigated.

Overall, the development was considered to accord with all relevant provisions of the Development Plan and for these reasons, it was therefore recommended that planning permission should be granted.

An addendum circulated at the meeting advised that the Conservation Officer had considered the proposal and was satisfied that the development would not result in harm to the setting of the Canal Conservation Area.

An additional contribution of £32,639 towards police infrastructure to mitigate for the development had been requested and was therefore included in the list of contributions.

The allotment contribution was to be offered to Hatton Parish Council for a period of three years from the payment being received for the purposes of establishing local allotments in Hatton. If after this period, there was no take-up of this offer, the money would be transferred to Warwick Town Council to be put towards improvements within Warwick.

The Addendum also advised that five additional letters of objection had been received and gave a listing of the nature of the objections.

The following people addressed the Committee:

- Dr LeTocq, representing Hatton Parish Council, which objected to the proposals;
- Dr Cheetham, an objector;
- Mr Halliday, speaking against the application and then continuing to speak against the application on behalf of his wife, Mrs Halliday who had also registered to speak but was unable to attend the meeting;
- Mrs Kemp, an objector;
- Dr Sutcliffe, also an objector, whose speech was read out by the Committee Services Officer at his request;
- Mrs Ventham, representing Taylor Wimpey UK Limited; and
- Councillor Hales, who read out the speech of the Ward Councillor, Councillor Matecki, in opposition to the application.

Councillors checked that funding would be available as part of the S106 Agreement to improve bus services. Officers also assured them that accessibility to GP services and shops was considered as part of the Local

PLANNING COMMITTEE MINUTES (Continued)

Plan process. It was noted that Budbrooke School was situated in Hampton Magna so the distance might be too far for children to walk to school.

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

The Committee therefore

Resolved that W/19/0933 be **granted** subject to a Section 106 agreement to secure the necessary contributions/obligations, including an additional contribution of £32,639 towards police infrastructure to mitigate for the development.

Authority is delegated 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 5 December 2019, authority is delegated 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.

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) 0102/1000 Rev C, 0102/2000 Rev B, 0102-116A, 0102-118, 0102-119, 10-05-01-P9, 10-05-02-P9, 10-05-03-P6, 10-06-P8, 10-07-P8, 20142-DG-PL, 20142-DSG-PL, 20142-SG-PL, AA11, AA24, AA32, AA42, BU2, The Devonford – Plan, The Devonford – Elevations, The Devonford – Elevations (Plots 64&65 only), The Keydale – KE, The Keydale – KE (Plot 57 only), The Keydale – KE (SP), The Keydale – KE (SP) (Plot 131 only), The Beauford – NA21, The Byford – NA32, The Ransford – NA46 – Plans, The Ransford – NA46 – Elevations, The Ransford –
- Item 4a / Page 20

PLANNING COMMITTEE MINUTES (Continued)

NA46 – Elevations (Plot 52&63 only), The Stanford – NA47 – Plans, The Stanford – NA47 – Elevations, The Ruston – NB52 – Elevations, The Rushton – NB52 – Plans, The Canford – PA25, The Gosford – PA34, The Lavenham – PD51 – Elevations, The Lavenham – PD51 – Plans, The Teasdale – PT45 – Elevations and The Teasdale – PT45 – Plans, and specification contained therein, submitted on 29 May 2019, approved drawing(s) 20142/PL/01E, c-1562-07 Rev B and c-1562-08, and specification contained therein, submitted on 27 August 2019, approved drawing(s) 890193-10-07-P8, 1562-01J, 1562-02J, 1562-03J, 1562-04L, 1562-06K and 20142-EP-01 Rev D, and specification contained therein, submitted on 18 October 2019 and approved drawing number 1562-05J, and specification contained therein, submitted on 24 October 2019.

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

- (3) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless and until the tree and hedgerow protection measures have been put into place in full accordance with the details set out in the document titled Stage 1 & 2 Arboricultural Impact Assessment and Method Statement Report (Rev.9) dated August 19. Thereafter, the protective fencing shall remain in place for the full duration of any construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s).

Reason: In order to protect and preserve

PLANNING COMMITTEE MINUTES (Continued)

existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

- (4) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for:
- 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;
 - dust management and suppression measures - level of mitigation determined using IAQM guidance;
 - a scheme for recycling / disposing of waste resulting from demolition and construction works;
 - any temporary measures required to manage traffic during construction;
 - plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction;
 - noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites - Part 1 and 2;
 - concrete crusher if required or alternative procedure;
 - delivery times and site working hours;
 - site lighting;
 - access and protection arrangements around the site for pedestrians, cyclists and other road users;

PLANNING COMMITTEE MINUTES (Continued)

- restrictions on burning and details of all temporary contractors buildings;
- plant and storage of materials associated with the development process;
- external safety and information signing notices;
- complaints procedures, including complaints response procedures and dedicated points of contact;
- best practicable means shall be employed at all times to control noise and dust on the site including:
 1. Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
 2. Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon - Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029;

- (5) the development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority

PLANNING COMMITTEE MINUTES (Continued)

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;

- (6) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **Reason:** In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters;

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

- Undertaken infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Where flooding occurs onsite to store the 1 in 100 year climate change event details should be provided of the storage capacity required outside of the

PLANNING COMMITTEE MINUTES (Continued)

proposed formal drainage system. Details of the depths and locations of flooding should also be provided to the LLFA where the depths may be unsafe. Hazard mapping may be required to ensure the development remains safe to users of the site.

- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity in accordance with Policies FW1, FW2 and NE3 of the Warwick District Local Plan 2011-2029;

(8) no development shall take place until: -

1.(a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

- A risk assessment to be undertaken relating to human health
- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
- An appropriate gas risk assessment to be undertaken

PLANNING COMMITTEE MINUTES (Continued)

- Refinement of the conceptual model
- The development of a method statement detailing the remediation requirements

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

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

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

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

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

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

Reason: To safeguard health, safety and the environment in accordance with Policies BE3

PLANNING COMMITTEE MINUTES (Continued)

and NE5 of the Warwick District Local Plan 2011-2029;

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

- a. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual.
- b. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBAR runoff rates for all return periods.
- c. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- d. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.
- e. Provide a Maintenance Plan to the LPA giving details on how the entire surface water system shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas onsite (outside of individual plot boundaries) shall be provided to the LPA.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies

PLANNING COMMITTEE MINUTES (Continued)

FW1 and FW2 of the Warwick District Local Plan 2011-2029;

- (10) the development hereby permitted shall not be occupied unless and until a pedestrian/cycle link has been provided to connect the development with Ebrington Drive. The pedestrian/cycle link shall be constructed to the satisfaction of the Local Planning Authority in consultation with Warwickshire County Highways in accordance with a scheme which will have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development has acceptable permeability with the existing residential development in accordance with Policies SC0 and TR1 of the Local Plan 2011-2029;

- (11) 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;

- (12) the development hereby permitted shall be carried out strictly in accordance with the Landscape and Ecological Management Plan reference CSA/2684/05 (updated April 2019) received on 29 May 2019. **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 NE3 of the Warwick District Local Plan 2011-2029;

- (13) the development hereby permitted shall be carried out strictly in accordance with the Construction and Environmental Management Plan (CEMP) reference CSA/2684/06 (updated April 2019) received on 29 May 2019. **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 NE3 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

- (14) the development shall not be occupied until the public highway A4133 has been improved so as to provide for the site access in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority, as shown on plan 890193 10-09 P3. **Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (15) the layout of the estate roads serving the development [including footways, verges and footpaths] shall not be designed other than in accordance with the principles and guidance as set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001'. **Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (16) no dwelling shall be occupied until the estate roads [including footways] serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority. **Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (17) the temporary construction/sales access shall be constructed strictly in accordance with the details as shown on plan reference 0102/2000 Rev B. The access shall be used for a maximum period of three years from the commencement of the development or the substantial completion of the primary access (whichever is the sooner) and thereafter, the land shall be restored to its former condition. Any new planting shall be carried out within the first planting season following the cessation of the use of the access. **Reason:** The access is only proposed for a temporary period and is not proposed to be a permanent vehicular access to serve the site;
- (18) the Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. Prior to the commencement of the development, the details of these measures (including type, method of operation and control of use) shall

PLANNING COMMITTEE MINUTES (Continued)

be submitted in writing to the Local Planning Authority for their approval in consultation with the Highway Authority. **Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (19) the lighting scheme shall be carried out in accordance with the details submitted on plan reference 10-06 P8 received by the Local Planning Authority on 29 May 2019. In considering the lighting scheme, the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

a. low energy LED lighting should be used in preference to high pressure sodium or mercury lamps;

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

c. lighting should be timed to provide some dark periods.

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 NE3 of the Warwick District Local Plan 2011-2029;

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

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

- (21) the development hereby permitted shall be carried out strictly in accordance with the
Item 4a / Page 30

PLANNING COMMITTEE MINUTES (Continued)

methodology set out in the Stage 1 & 2 Arboricultural Impact Assessment and Method Statement Report (Rev.9) dated August 19 and received by the Local Planning Authority on 27 August 2019. **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.

(The meeting was adjourned at 8.42pm for 13 minutes.)

92. W/18/2123 – 200 Warwick Road, Kenilworth

The Committee considered an outline planning application from Mr Tebby for up to five dwellings and associated works.

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

The application was previously deferred by Planning Committee in October to clarify matters pertaining to heritage and transport. Further information had been provided in relation to these matters.

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

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

An addendum circulated at the meeting advised that Warwickshire County Council Highways submitted a revised consultation response on 31 October 2019 clarifying their position as Highway Authority. The response stated that the quantum of development considered was five dwellings, that the resulting vehicle movements from the development would not have an adverse impact and that the road width was sufficient to accommodate a shared surface space for vehicles and pedestrians.

The addendum also advised that 200 Warwick Road was a Grade II listed building adjacent to the application site. The Council's Conservation Team considered that should outline permission be granted, further detailed proposals for up to five dwellings were capable of coming forward in a manner which would not impact upon the setting of that building or upon the character and appearance of the Conservation Area.

The following people addressed the Committee:

- Councillor Worrall, representing Kenilworth Town Council, which objected to the proposals; and

PLANNING COMMITTEE MINUTES (Continued)

- Mr Tebby, the applicant.

Members were informed that access was a reserved matter and they would have the opportunity to review this when the full application was submitted.

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

The Committee therefore

Resolved that W/18/2123 be **granted** subject to the following conditions:

(1) details of the;

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

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

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

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

(3) the development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);

(4) prior to commencement of the development hereby approved, details of bat and bird boxes

Item 4a / Page 32

PLANNING COMMITTEE MINUTES (Continued)

to be erected on buildings on the site to include;

- a) Details of box type;
- b) Location of boxes; and
- c) Program of delivery.

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

Reason: In accordance with Policy NE3 of the Warwick District Local Plan 2011-2029;

- (5) prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the District Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages,

PLANNING COMMITTEE MINUTES (Continued)

maintenance and arrangements for contingency action.

5) A verification report containing the data identified in (4).

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

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

(6) the development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;

(7) notwithstanding details contained within the application, the development hereby approved shall not be occupied until;

a) The access for vehicles to the site has been widened to 5 metres in width for a minimum distance of 7.5 metres, as measured from the near edge of the public highway carriageway;

PLANNING COMMITTEE MINUTES (Continued)

- b) The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway;
- c) The access to the site shall not be reconstructed/widened in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway;
- d) A turning area has been provided within the site so as to enable the largest vehicle likely to enter the site to leave and re-enter the public highway in a forward gear; and
- e) Gates/barriers/doors erected at the entrance to the site for vehicles shall not be hung so as to open to within 6 metres of the near edge of the public highway carriageway

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

- (8) in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, all of which shall be submitted to and approved in writing by the local planning authority. The remediation shall be carried out in accordance with the approved details. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted to and approved in writing by the local planning authority. **Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;
 - (9) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary
- Item 4a / Page 35

PLANNING COMMITTEE MINUTES (Continued)

Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter.

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

- (10) any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects within the first planting season following the first occupation of the development hereby permitted, save that the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of the same size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;
- (11) the development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. **Reason:** In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029;
- (12) the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres

PLANNING COMMITTEE MINUTES (Continued)

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.

93. W/19/0990 – Land at Seven Acre Close, Bishop’s Tachbrook

The Committee considered a reserved matters application from AC Lloyd (Homes) Limited pursuant to Condition 1 of planning permission W/16/0279 for details of access, appearance, landscaping, layout and scale of 50 no. dwellings together with all associated works. This was a re-submission of W/19/0324.

The application was presented to Committee because of the number of objections received and because, if approved, it would be subject to a Deed of Variation pursuant to the original S.106 Agreement associated with the original outline permission.

The officer was of the opinion that the proposed development would provide a high quality residential environment in accordance with the garden suburbs principles, including an appropriate mix of market and affordable housing, where the affordable housing was spread across the site. The dwellings themselves were varied in their architectural styles and finishes and the majority of the development would be grouped around a large central area of public open space providing natural surveillance and positive outlooks from both the market and the affordable units. The development would be well landscaped with the various typologies set out in the open space SPD all being met or exceeded.

There would be no harm caused to the amenity of existing neighbouring properties, future occupiers of the development would be provided with garden sizes and distance separation that either met or exceeded the standards set out in the Council’s adopted guidance.

There would be no detriment to highway safety, flood risk or drainage and ecology and biodiversity offsetting was provided for through the conditions on the outline permission and through the proposed variation to the S.106 Agreement to allow an increased financial contribution to be paid in the event permission was forthcoming for this development.

PLANNING COMMITTEE MINUTES (Continued)

Having regard to all of the above, officers considered the scheme complied with the relevant policies of the Development Plan, and accordingly, it was recommended that planning permission should be approved.

An addendum circulated at the meeting advised that a revised landscape drawing (Rev.M) had been received in response to final comments from the Open Space Team. This had resulted in "no objection" in respect of all details and specifications shown (path, benches, bins, bollards, knee rail and "white" area of open space) on the Landscape Concept Plan. As a result, Condition 1 as stated in the report would be amended to reflect the updated Landscape Concept Plan Rev. M. Condition 3 was also to be amended so that it read as a compliance condition rather than a pre-commencement condition (in accordance with revised plan Rev. M).

The associated Deed of Variation in respect of biodiversity offsetting had been drafted and agreed in line with the recommendation set out in the report and was ready to be completed in the event that permission was forthcoming.

Additional third party representations had been received regarding the updated Bishop's Tachbrook Housing Needs Survey 2019.

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

The Committee therefore

Resolved that W/19/0990 be **granted** subject to the original S.106 Agreement being varied to allow an increased financial contribution to be paid towards ecological biodiversity offsetting and subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 3635-01 Rev.A, 3635-10 Rev.B, 3635-11 Rev.D, 3635-12 Rev.D, 3635-13 Rev.B, 3635-14 Rev.E, 3635-15 Rev.D, 3635-16 Rev.D, 3635-17 Rev.B, 3635-18 Rev.C, 3635-19 Rev.B, 3635-20 Rev.B, 3635-21 Rev.C, 3635-22 Rev.B, 3635-23 Rev.A, 3635-30 Rev.C and 3635-31 Rev.B and specification contained therein, submitted on 13 June 2019, approved drawings 1424-14-21E, 1424-14-22E and 1424-14-25E and specification contained therein, submitted on 25 September 2019 and revised drawings 3635-05 Rev.R and 3635-06 Rev.K and specification contained therein, submitted on 17 October 2019 and 1424-14-20 Rev.M and specification contained therein, submitted on 4 November 2019. **Reason:** For the avoidance of Item 4a / Page 38

PLANNING COMMITTEE MINUTES (Continued)

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

- (2) 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;
- (3) the development hereby permitted shall be carried out strictly in accordance with the approved details and specifications of the path, benches, bins, bollards, knee rail and the 'white' area of open space as illustrated on revised Landscape Concept plan number 1424-14-20 Rev.M. **Reason:** To create an acceptable form of public open space in accordance with policies HS1, NE4 and BE3 of the Warwick District Local Plan 2011-2029;
- (4) the construction of the estate roads serving the development including footways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority. **Reason:** In the interest of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (5) prior to the first occupation of the development hereby permitted, details, in respect of the surface treatment of the area of land between the end of the turning head and proposed field access, shall be submitted to and approved in writing by the Local Planning Authority, setting out how extraneous material shall be prevented from being deposited onto the highway by the wheels of vehicles utilising the field access. The development shall thereafter be carried out strictly in accordance with the approved details. **Reason:** In the interest of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and

PLANNING COMMITTEE MINUTES (Continued)

- (6) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected within the curtilage of any dwelling house.

Reason: That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

94. Planning Appeals Report

The Chairman informed the Committee that the report would be delivered to the Committee meeting in December.

(The meeting ended at 9.40pm)

CHAIRMAN
4 December 2019

Planning Committee

Minutes of the meeting held on Wednesday 6 November 2019 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Also Present: Civic & Committee Services Manager – Mrs Tuckwell; Legal Advisor – Mrs Gutteridge; Development Services Manager – Mr Fisher; Business Manager - Development Management – Mr Sahota.

95. **Apologies and Substitutes**

- (a) Apologies for absence were received from Councillors Ashford and Sanghera.
- (b) Councillor Davison substituted for Councillor Roberts.

96. **Declarations of Interest**

Minute Number 99 – W/18/2200/LB – Bandstand, Pump Room Gardens, Dormer Place, Royal Leamington Spa

All Councillors declared an interest because the applicant was Warwick District Council.

97. **Site Visits**

There were no site visits made.

98. **W/19/0784 – Land on the East Side of Warwick Road, Kenilworth**

The Committee considered a Reserved Matters application pursuant to condition 1 of planning permission W/17/2150 for details of appearance, landscaping, layout and scale of 125 dwellings from Bovis Homes West Midlands Region.

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

The officer was of the opinion that the proposed development would provide a high quality residential environment in accordance with the garden suburbs principles, including an appropriate mix of market and affordable housing, where the affordable housing was distributed evenly across the site. There were distinct character areas which defined this development and the dwellings themselves were varied in their architectural styles and finishes. The development would be well landscaped with the various typologies set out in the open space SPD all being met or exceeded.

There would be no harm caused to the amenity of existing neighbouring properties, and future occupiers of the development would be provided for

PLANNING COMMITTEE MINUTES (Continued)

with garden sizes and distance separation that either met or exceeded the standards set out in the Council's adopted guidance.

There would be no harm to heritage assets, and no detriment to highway safety, flood risk / drainage or ecology and biodiversity offsetting and the relevant condition pursuant to the outline permission in respect of ball-stop mitigation to safeguard properties adjacent to the Cricket Club had already been discharged but for completeness, it was considered appropriate for those drawings to be referenced in the approved plans condition imposed on any permission forthcoming on this application.

Having regard to all of the above, officers considered that the scheme complied with the relevant policies of the Development Plan, and accordingly, it was recommended that planning permission should be approved.

An addendum circulated at the meeting advised that a final response from Warwickshire County Council Highways had been received: 'No Objection' subject to conditions and notes.

The addendum also advised of additional representations having been received from the adjacent Cricket Club in respect of an access gate to/from the Club, along the southern boundary of the Club but which was omitted from the layout plan. This had now been addressed through the submission of a further revised layout showing the access gate opposite Plot 16.

Furthermore, the addendum advised Members of additional representations having been received on behalf of Kenilworth Rugby Football Club in relation to the red line boundary in the south eastern corner of the site. Kenilworth RFC indicated that they could not accept unrestricted public access on the land allocated for outdoor sports use as this would potentially compromise the security of the site, as well as the safety of users (children) of the adjacent pitches.

In respect of the above, officers advised that whilst it was noted that the layout showed a pedestrian link in the south east corner which would create the potential for a connection through to the site to the south, which was allocated in the Local Plan for outdoor sports use, the approval of this layout plan would not by default facilitate a right of access into the adjacent site. It would be a matter for any future application on the land to the south to determine how, or even if, the two sites were physically connected.

In addition, the addendum advised of revised plans having been received on 31 October, 1 and 5 November in relation to landscaping (updated in line with Open Space comments), and other details connected with the layout to align with the comments of the Highways Authority. The latest drawings received on the 5 November followed the representations received from the Cricket Club in relation to the omission of the access gate along the southern boundary which was now resolved.

PLANNING COMMITTEE MINUTES (Continued)

The addendum proposed a revision to Condition 1, asking that approved drawings to be updated to reflect those received on 31st October, 1st and 5th November 2019.

Additional conditions were to be added to page 14 in the report:

Condition 3. Development to be carried out in accordance with the approved ball-stop mitigation details;

Condition 4. Development to be carried out in accordance with final revised layout (Rev.X);

Condition 5. No structure, tree or shrub planted with/retained within the visibility splays shall exceed 0.6m in height above the level of the public highway carriageway;

Condition 6. The 8no. stipulated plots where garages are providing the third parking space required must be retained as garages in perpetuity to ensure the requisite parking provision is maintained for each dwelling.

The following people addressed the Committee:

- Councillor Milton, representing Kenilworth Town Council, objecting;
- Mrs Lambert, objecting;
- Miss Chesworth, objecting;
- Mr Love, supporting; and
- Councillor Milton, Ward Councillor, objecting.

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

The Committee therefore

Resolved that W/19/0784 be **granted**, subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and the following approved drawings received on the following dates:

13 May 2019

KENI-BOV-0410-XX-DR-A-1001, KENI-BOV-0611-XX-DR-A-1002, KENI-BOV-09F0-XX-DR-A-1003, KENI-BOV-P4F1-XX-DR-A-1004, KENI-BOV-08F0-XX-DR-A-1005, KENI-BOV-0810-XX-DR-A-1006, KENI-BOV-11F1-XX-DR-A-1007, KENI-BOV-11F2-XX-DR-A-1008, KENI-BOV-07F1-XX-DR-A-1009, KENI-BOV-13F1-XX-DR-A-1010, KENI-BOV-14F0-XX-DR-A-1011, KENI-BOV-18F0-XX-DR-A-1012, KENI-BOV-18F0-XX-DR-A-1013, KENI-BOV-20F0-XX-DR-A-1014, KENI-BOV-20F0-XX-DR-A-1015, KENI-BOV-31F0-XX-DR-A-1016, KENI-BOV-31F0-XX-DR-A-1017, KENI-BOV-23F0-

PLANNING COMMITTEE MINUTES (Continued)

XX-DR-A-1018, KENI-BOV-23F0-XX-DR-A-1019, KENI-BOV-2911-XX-DR-A-1020, KENI-BOV-1BF0-XX-DR-A-1021, KENI-BOV-S110-XX-DR-A-1022, KENI-BOV-2410-XX-DR-A-1023, KENI-BOV-2510-XX-DR-A-1024, KENI-BOV-P410-XX-DR-A-1025 and KENN-05-SK108 and specification contained therein;

2 September 2019

P18-2572_06 Rev.B and P18-2572_30 Rev.A and specification contained therein;

3 October 2019

JBA 18_323_02 G, JBA 18_323_03 G, JBA 18_323_04 G, JBA 18_323_05 G and JBA 18_323_06 G and specification contained therein;

9 October 2019

AGD2-1VT (Double Garage), AGD2-1VT (Double Garage Plots 1,2,5), AGD2-3, AGS2-2VT, AGS2-2X2VT, AGS2-3-2VT, AGS22 and AGS3-2X2VT and specification contained therein;

31 October 2019

P18-2572_01 X Proposed Layout, P18-2572_24 H, P18-2572_25 H, P18-2572_27 G, P18-2572_28 G, P18-2572_29 H and P18-2572_31 B;

1st November 2019

JBA 18_323_02 H, JBA 18_323_03 H, JBA 18_323_04 H, JBA 18_323_05 H and JBA 18_323_06 I and specification contained therein;

5th November 2019

P18-2572_01 X Proposed Layout_LR and P18-2572_26 J and specification contained therein; and

6th November 2019

KENN-BOV-XX-XX-DR-A-0203 Rev.B 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;

- (2) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been
- Item 4b / Page 4

PLANNING COMMITTEE MINUTES (Continued)

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;

- (3) development to be carried out in accordance with the approved ball-stop mitigation details;
- (4) development to be carried out in accordance with final revised layout (Rev.X);
- (5) no structure, tree or shrub planted with/retained within the visibility splays shall exceed 0.6m in height above the level of the public highway carriageway; and
- (6) the 8no. stipulated plots where garages are providing the third parking space required must be retained as garages in perpetuity to ensure the requisite parking provision is maintained for each dwelling.

99. W/18/2200/LB – Bandstand, Pump Room Gardens, Dormer Place, Royal Leamington Spa

The Committee considered an application for the restoration/repair of the Bandstand - Amendment to Application Ref. W/15/0928/LB. Replacement floor deck, new access hatch to undercroft to be installed in floor deck, installation of a metal grille over external access to undercroft, additional stonework to the decking edge and revision to main steps design (part-retrospective) from Warwick District Council.

The application was presented to Committee because of the number objections that had been received, including one from Royal Leamington Spa Town Council. In addition, the applicant was Warwick District Council.

The officer was of the opinion that due to the nature of the proposed works, the proposal was not considered to cause harm to the character, appearance and significance of the listed building. The development accorded with Policy HE1 of the Warwick District Local Plan (2011-2029), Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas Act) 1990 and paragraph 196 of the NPPF.

An addendum circulated at the meeting advised of a response received from Conservation Area Forum (CAF), stating: "Revised drawings of the scheme were presented to CAF in the meeting. Whilst CAF still expressed some concern in relation to accessibility to the undercroft, the Forum had

PLANNING COMMITTEE MINUTES (Continued)

no objection and looks forward to seeing large scale details of the grille and door to the undercroft”.

The addendum also advised of an amendment to Condition 3, to also require details of its fixings.

Mr Pitts addressed the Committee, objecting to the application.

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

The Committee therefore

Resolved that W/19/2200/LB be **granted**, subject to the following conditions:

- (1) the consent hereby granted relates to the details shown on the site location plan and approved drawing(s) 3032-203 A, 3022-201 G, 3032-101 G, 3032-106 C, 3032-102 G, 3032-202 G, and specification contained therein, submitted on 22nd October 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029;
- (2) large scale details of the undercroft door (including a section showing the reveal, heads and cill details), at a scale of 1:5 (including details of materials) shall be submitted to the Local Planning Authority for approval within one month of the date of this consent. The development shall not be carried out otherwise than in strict accordance with the details approved under this condition. **Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029; and
- (3) details of the proposed metal grille and its fixings shall be submitted to the Local Planning Authority for approval within 1 month of the date of this consent. The development shall not be carried out otherwise than in strict accordance with the details approved under this condition. **Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

PLANNING COMMITTEE MINUTES (Continued)

100. W/19/0423 – Annexe at Yew Tree Cottage, Old Warwick Road, Lapworth

The Committee considered an outline planning application for the erection of dwelling including demolition of existing barn from Mr & Mrs Nelson.

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

The officer was of the opinion that the main planning considerations in determining this application had been set out and considered above stating accordance with relevant Local Plan Policy. The application had also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there was not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case. The application had addressed the main considerations and given the permitted fall-back position, provided a substantive basis to permit the development. The proposal was therefore supported by officers, subject to resolution of outstanding matters relating to ecology.

An addendum circulated at the meeting advised that WCC Ecology provided its consultation response having reviewed the submitted ecological assessment raising no objection, subject to conditions and protected species notes. Furthermore, an additional condition was proposed to require a further bat survey to be undertaken and the submission of a mitigation plan prior to the commencement of development.

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

The Committee therefore

Resolved that W/19/0423 be **granted**, subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s);

A202 - Proposed New Dwelling

Including specification contained therein, submitted to the LPA on 16/09/19.

PLANNING COMMITTEE MINUTES (Continued)

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 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;

- (4) the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.

Reason: To ensure adequate off-street car parking and servicing facilities in the interests of highway safety in accordance with Policy TR3 of the Warwick District Local Plan 2011-2029;

- (5) 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 further development shall take place within the curtilage of any dwellinghouse hereby permitted. **Reason:** Since planning permission has been granted on the basis of the fallback position provided by Class P, Part 3 of the GPDO, for which permitted development rights are removed;

- (6) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been

PLANNING COMMITTEE MINUTES (Continued)

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; and

- (7) an additional condition to require a further bat survey to be undertaken and the submission of a mitigation plan prior to the commencement of the development.

101. W/19/1341 – Wimsley, 30 Southam Road, Radford Semele

The Committee considered an application for the proposed demolition of existing first floor/roof and erection of new first floor and internal alterations from Mr & Mrs Ohara.

The application was presented to Committee because an objection had been received from Radford Semele Parish Council.

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

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

The Committee therefore

Resolved that W/19/1341 be **granted**, subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
 - (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan '001' and approved drawings '004' and '005', received on the 8th August 2019, and the specification contained therein. **Reason:** For
- Item 4b / Page 9

PLANNING COMMITTEE MINUTES (Continued)

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

- (3) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

102. W/19/0818 – 66 Market Place, Warwick

The Chairman advised the Committee that this application had been withdrawn by the applicant prior to the meeting.

(The meeting ended at 7.37pm)

CHAIRMAN
4 December 2019

Application No: W 14 / 1340

Town/Parish Council: Kenilworth

Case Officer: Lucy Hammond

01926 456534 lucy.hammond@warwickdc.gov.uk

Land at Common Lane, Kenilworth

Variation of Section 106 Agreement for planning permission ref: W/14/1340 -
Erection of up to 93 dwellings together with open space, drainage infrastructure
and access from Common Lane (outline application including details of access)
FOR Bloor Homes Ltd and Bluemark Projects Ltd

INTRODUCTION

This report relates to the above outline planning permission. That permission was subject to a Section 106 Agreement which imposed a range of obligations on the developer. The applicant has requested that the provisions of the section 106 agreement are varied.

RECOMMENDATION

Planning Committee are recommended to delegate authority to the Head of Development Services to vary the Section 106 agreement in relation to the tenure of affordable housing as set out below.

DETAILS OF THE VARIATION

The applicant has requested that the tenure mix for the affordable housing be amended. The current tenure mix is as follows:

- 19 social rented units (51%)
- 18 shared ownership units (49%)

The proposed tenure mix is as follows:

- 10 social rented units (27%)
- 27 shared ownership units (73%)

The overall proportion of affordable housing remains at 40% of the total number of units (37 of the 93 units). The changes are to the tenure mix within that 40%.

The change is proposed to ensure that the scheme remains viable. Viability has deteriorated because the costs of constructing the access have increased. This was already a significant cost that had impacted on the viability of the scheme previously. However, the cost has increased from the £1,785,220 that was assumed in the 2016 viability appraisal, to £3,702,698 now. There have been some cost savings that have partially offset this increase, but there have also been

some other cost increases, including increased finance costs due to the delays with the access works.

PLANNING HISTORY

There have been a number of previous planning applications relating to the application site, including the original outline planning permission and subsequent reserved matters submissions and amendments.

The original planning permission was granted in 2014 for "Outline planning permission with all matters reserved except for access, for erection of up to 93 dwellings together with open space, drainage infrastructure and access from Common Lane" (Ref. W14/1340).

Subsequently in 2017 a Deed for Variation to the section 106 agreement was approved. This provided for a reduction in the financial contributions and a change to the affordable housing mix due to issues relating to viability associated with the proposed access. The amendment to the affordable housing mix at that point changed the affordable rented units to shared ownership.

ASSESSMENT

The Council's Housing Strategy team have reviewed the proposed changes. They advise that this is far from ideal, not just with the reduced number of rented homes, but also the fact that all of the rented units are flats. However, they do appreciate that the full 40% affordable housing provision is maintained. Therefore, if the viability position is proven and verified by the Council's independent consultants, they would reluctantly accept the proposed mix.

The request to vary the section 106 agreement was accompanied by a Viability Report. This sets out that the viability of the scheme has worsened since this matter was last considered in 2016 / 2017. This is principally due to further significant increases in the cost of the access works (from £1,785,220 to £3,702,698).

The Viability Report has been checked by the Council's independent experts on development viability. They have verified the conclusions of the report and have confirmed that the changes to the tenure of the affordable housing are necessary in order to ensure that the scheme is viable.

SUMMARY / CONCLUSION

Local Plan Policy DM2 provides for section 106 requirements to be changed in circumstances where a development is unviable. This has been proven by the Viability Report that has been submitted by the applicant, and this has been verified by the Council's independent development viability experts. Therefore the section 106 agreement should be amended as requested.

Application No: [W 19 / 0498](#)

Town/Parish Council: Leamington Spa
Case Officer: Lucy Hammond

Registration Date: 11/04/19

Expiry Date: 06/06/19

01926 456534 lucy.hammond@warwickdc.gov.uk

1 Farley Street, Leamington Spa, CV31 1HJ

Demolish 1A Farley Street (with the exception of the gables which are to be retained), erection of replacement two storey building and proposed conversion of 1 Farley Street to provide 2no. two bedroom dwellings FOR Dezinbuild Ltd

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

RECOMMENDATION

That planning permission be GRANTED subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought to demolish the majority of the existing building at No.1a Farley Street (retaining the gables) and erect a replacement two storey building which would provide a two bed dwelling. The application also proposes the conversion of the adjoining building, No.1 Farley Street, which is single storey, into a second two bed dwelling. No further extensions are proposed beyond the original footprints of the buildings.

It is important to note that the application, as submitted, is for the creation of two 2-bed market dwellings. The proposal is not for two HMO's as has been suggested by a number of local residents in the letters of objection which have been received through the course of the application. It has been suggested that the dwellings will be occupied by students. Whoever the dwellings are occupied by is not a material planning consideration, nor is it relevant to the assessment of this application which is for two dwellings which should be assessed accordingly against the relevant policies of the Development Plan.

THE SITE AND ITS LOCATION

The site comprises two existing buildings which sit close to the road frontage in Farley Street, which is in the Royal Leamington Spa Conservation Area. No.1 Farley Street is a single storey brick building which is parallel to the pavement edge, while No.1a is a two storey brick building, attached to the gable end of No.1, but the building's front elevation sits at an oblique angle, away from the road, presently leaving a small triangular area of space to the frontage.

Farley Street is predominantly residential in character and is a no-through road for vehicles to the north, providing pedestrian and cycle links only through to Willes Road and Leam Terrace which crosses east to west. Residential properties in Willes Road back on to the application site; in particular Nos. 38 and 36a share

back to back relationships with Nos. 1a and 1 respectively. No.38 Willes Road is a four storey single residential property while No.36a is a three storey block of flats.

The site is in Flood Zone 2 and in the Royal Leamington Spa Conservation Area. Nos. 38 and 40 Willes Road are Grade II listed building. No.14 Farley Street, opposite the site is also a Grade II listed building.

PLANNING HISTORY

W/83/1220 - Change of use from scout hut and storage to class x warehouse - Granted 30.01.1984

W/86/0957 - Continued use of former scout hut as a warehouse on a permanent basis - Granted 05.11.1986

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

WCC Highways: No objection subject to condition requiring all parts of the existing access not included in the permitted access to be closed up and the kerb reinstated prior to occupation of the dwellings. Advisory notes are also recommended.

Environmental Health: No objection subject to a condition requiring a construction management plan containing details in relation to noise, dust, smoke and light.

Lead Local Flood Authority: No objection subject to condition requiring detailed surface water drainage scheme.

WCC Ecology: No objection subject to advisory notes to be attached to any forthcoming permission.

WDC Building Control: Bedroom windows to both dwellings facing the street need to be opening and sized for means of escape.

Public Response:

A total of 36 letters of objection have been received from 16 individuals, raising the following concerns:

- The development will change the character of the area
- It will result in noise and disturbance
- There will be a loss of privacy
- There will be a loss of light
- The development will be overbearing
- There will be an impact on the setting of listed buildings
- There will be an impact on the conservation area
- It will be detrimental to highway safety
- It will lead to parking stress and exacerbate existing parking problems in the area
- There is insufficient amenity space for the proposed dwellings
- It will result in the loss of an employment use
- Concern at the proximity of the proposed courtyard to the rear of the two storey unit to the rear of the four storey dwelling in Willes Road
- There are inadequacies/inconsistencies in the parking survey

Officer note - there are references throughout some of the third party comments to the proposed dwellings being used as HMO's. The planning application, as submitted, proposes 2no. 2-bed dwellings which are not houses in multiple occupation. The planning application therefore must be considered accordingly, i.e. as two market dwellings, not as HMO's. References to the proposal being occupied by students are therefore not relevant because the end user (whether owner occupier or tenant) is not material to the planning considerations of an application for two 2-bed properties.

ASSESSMENT

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

- principle of development;
- impact on the character and appearance of the area;

- impact on heritage assets;
- impact on the living conditions of neighbouring dwellings;
- provision of appropriate living environment for future occupants of the proposed development;
- access and parking / highway safety;
- ecological impact;
- environmental health considerations; and
- drainage and flood risk.

Principle of development

The principle of development is twofold; firstly whether the loss of the existing employment use from the site is in accordance with Policy EC3 of the Local Plan and secondly, whether this is a suitable location for the creation of new residential uses in accordance with Policy H1.

Loss of the existing employment use

Policy EC3 of the Local Plan states that outside town centres, the redevelopment or change of use of existing and committed employment land and buildings (Use Classes B1, B2 and B8) for other uses will not be permitted unless:

- a) it can be demonstrated that there is an adequate supply of allocated employment sites in the district having regard to quantity and quality;
- b) it can be demonstrated that the use of the land or buildings for the existing or alternative employment uses would not be viable;
- c) it can be demonstrated that the site is not suitable for employment uses due to unacceptable and unavoidable impacts upon nearby residential uses;
- d) it is land identified as being suitable for other uses as part of the identified Canalside and Employment Regeneration areas (Policy DS8) or
- e) the proposal is solely for affordable housing as defined in national guidance.

The policy requires any one of the above criteria to be satisfied, not *all* of the criteria to be satisfied. In this instance, the relevant criteria against which the proposal is being considered is bullet point (c); where it can be demonstrated that the site is not suitable for employment uses due to unacceptable and unavoidable impacts upon nearby residential uses.

The application site lies in Farley Street which is predominantly residential in character and nature. The last known planning use of the buildings was a B8 storage unit approved in the early 1980's although according to the supporting statement, in more recent years the buildings have been used for a combination of both B1 and B8 uses. No formal application would have been required for such a change of use because the Use Classes Order allows for permitted changes between the two, i.e. B8 to B1 and vice versa without the need for planning permission. For the purposes of establishing the principle of development therefore, the buildings are subject to an employment use (B-class use).

The supporting information submitted with the application sets out that no matter what use the building is put to, the two storey element of the building has to be re-built as evidenced by the accompanying structural report. On a site this small, the re-building cost for either a B1 or B8 use is considered to be unviable. That said, given its more recent use as a storage unit / lock-up, this is

considered the most feasible use since in the past 15 years it has not created any employment nor is it likely to unless there was investment to improve the quality of the storage or warehouse.

Together with the issue of the re-building costs should this continue in B8 use, it is considered the site would not be practicable for a storage unit to be used on a daily basis, as there would be difficulties with servicing the site by commercial vehicles, unloading and loading of goods due to the restrictions and physical constraints of the site.

Any increase in the intensity of B8 use at the site is likely to impact on both residential occupiers in the immediate vicinity of the site and also on those living nearby, who could be affected by business operations such as the frequency and timing of heavy goods vehicle movements.

For these same reasons, changing the use of the site to B2 would also result in likely adverse impacts on the residential amenity of those properties close by and without appropriate restrictions in place, such a use could result in activities which are noisy and which could result in undue disturbance and adverse impact on the residential amenity of occupiers in closest proximity to the site.

Overall, it is considered that EC3(c) is satisfied insofar as it has been demonstrated that the site is not suitable for employment uses due to unacceptable and unavoidable impacts upon nearby residential uses in a principally residential area where there is very little non-residential or other commercial/industrial activity.

Officers are therefore satisfied that the principle of development, in this respect, accords with Policy EC3 of the Local Plan.

Provision of new residential dwellings in this location

Policy H1 sets out where, in the District, new housing development will be permitted. Relevant to this particular application is bullet point (a) which stipulates "*within the Urban Areas, as identified within the policy and on the Policies Map*". The site, though just outside the Town Centre boundary, is within the Urban Area of Royal Leamington Spa and therefore an appropriate location for new housing development.

In this instance, the proposal involves the conversion of existing buildings, although part of the proposal necessitates the partial demolition and re-building of one of the buildings for structural reasons. There are additional benefits of converting existing buildings as opposed to building new buildings which are considered in the relevant sections below (e.g. heritage assets, street scene, visual impact...)

In terms of the provision of new dwellings in this location, officers are satisfied that the development accords with the requirements of Policy H1 and is acceptable in this regard.

Conclusions of the principle of development

Having regard to the provisions of both Policies EC3 and H1 of the Warwick District Local Plan 2011-2029, officers are satisfied that the principle of development, overall, is acceptable.

Impact on the character and appearance of the area

The single storey element of the proposals (No.1) are not proposed to change, aesthetically. All fenestration remains as per the original, with the only modification being the entrance door which would be a slightly different design. Much of the conversion works have already been undertaken to this part of the site so part of the development, in this regard, is retrospective. Nevertheless, there would be no discernible differences between the original and the proposed elevations for the principal elevation of No.1 as viewed from within the street scene. In this regard, there can be no material impacts to the visual amenities of the area, street scene or wider character given the lack of material differences between the existing and the proposed plans for No.1.

As far as No.1a is concerned, a structural engineer's report submitted with the application identifies the current condition of the building, the cracks and other damage to its walls, masonry and internal face. The report concludes that while the wall is not in danger of collapsing, repair to it would require 90% of it to be taken down as during the operation of cutting out bricks and mortar joints the adjacent bricks will fall out. It is therefore considered the wall should be taken down completely and re-built.

With that in mind, the proposal therefore involves the principal demolition of the two storey building, and its re-building on the same footprint. The key difference in the replacement building would be an increase in the eaves height of 500mm, increasing from 4.3m to 4.8m and an overall ridge height increase from 5.9m to 6.3m. The dual pitch of the roof would however be shallower than the original by reason of the overall ridge height and the fact the angle of the front wall has changed which results in an almost cat slide style element at the back of the building which would not be visible from the road frontage.

The front elevation, as mentioned above, has been brought in line with the pavement edge and thus in line with the single storey building so there would no longer be an angled frontage to the building, which arguably is at odds with the street scene at present. The front elevation of the two storey building would replace the garage doors at ground floor with simple fenestration, replicating the upper floor windows, and this would bring a more traditional and balanced appearance to the building's frontage.

By bringing the buildings back into an active use, together with the minor design changes proposed to 1a which are needed to facilitate the change of use, officers consider the overall appearance of both buildings would be improved and in turn this would enhance their contribution within the street scene in which they are read.

It is not considered the proposals would lead to any material visual harm to the street scene or the wider character of the area. Accordingly, the development is considered to accord with Policy BE1 of the Local Plan.

Impact on heritage assets

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making

decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Policy HE1 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The existing building contributes little towards the character and appearance of the Conservation Area and little is known about its origin, however historic maps of the area indicate that a structure on a similar footprint was present here in 1881-1890 with a neighbouring structure on a similar footprint to the single storey building present in 1913-1927. It is likely that the two storey building originally performed the role of a coach house to No 38 Willes Road, and the planning history shows that more recently it served as a scout hut then a warehouse, however the building has nonetheless changed substantially since its original construction and particularly during its latest function. From a conservation point of view, no objection is raised to the principle of the site's demolition and rebuild.

There were however concerns from a heritage point of view about the original plans submitted with the application. As well as bringing the front elevation of the two storey building in line with its adjoining single storey neighbour, the plans involved the creation of a double gabled appearance on the principal elevation. This design was considered at odds with the prevailing urban character of Farley St; there is no precedent of dual protruding shallow pitched gables on the street scene and this did not reflect the established character. Moreover, the construction of two gables on the front elevation distorted the roof profile of the existing building and overall, the original plans neither preserved nor enhanced the character and appearance of the Conservation Area, rendering the proposal contrary to both Policies HE1 and HE2 of the Local Plan.

Amended plans have been submitted during the course of the application which were intended to respond to the concerns of the conservation officer. The revised proposal has removed the double gabled appearance of the two storey building, which is altogether now more simple in its overall appearance. The roof profile is no longer distorted and the principal elevation is typically flat fronted and in line

with the adjoining neighbouring building, which in turn better reflects the characteristics of surrounding patterns of development found in Farley Street and the immediate vicinity.

Subject to conditions requiring samples of materials to be used as well as large scale details specifically for the windows, there are no conservation objections to the revised plans and accordingly, officers are satisfied that the proposals, which would bring back into use these two buildings, would preserve and enhance the character and appearance of the Royal Leamington Spa Conservation Area.

It is not considered that the proposals to convert and re-build the buildings to provide two dwellings would adversely impact on the setting of the nearby listed buildings.

In making this assessment, regard has been had to the weight that should be given to the desirability of preserving the special interest and setting of the heritage assets and the proposal is considered to accord with Policies HE1 and HE2 of the Local Plan.

Impact on the living conditions of neighbouring dwellings

The principal factor to note in considering this application is that the buildings subject to this application already exist at the rear of Nos. 36a and 38 Willes Road, so there can be no greater physical impacts by reason of overbearing or loss of light than has been the case to date through the historic presence of these buildings on the site.

The key consideration is therefore how their material change of use to dwellings would further impact on the residential amenity of these existing properties; through, for example, the introduction of habitable room windows, outdoor amenity spaces and in the case of No.1a, the proposed increase in height of 400mm.

The Council's adopted Residential Design Guide (RDG) does not set out any specific minimum distance separation guidelines for the particular relationships found in this case; i.e. four storey to two storey or a three storey flatted development to a single storey dwelling. That said, taking a 'worse case' scenario based on the distances which are set out in the RDG, it is acknowledged that the distance separation measured from 'rear to rear' between the properties in Willes Road and the proposed dwellings to be converted from the subject buildings in Farley Street do not meet the Council's guidelines.

Nevertheless, having regard to the fact that these buildings already exist and as such there can be no greater physical impact arising from the proposal by reason of overbearing or loss of light, consideration has been given to the only remaining material impact that might likely arise to neighbouring amenity; that is a loss of privacy/overlooking. The rear of No.1 (single storey), contains no windows or rooflights and would have only one door providing a means of exit to the outdoor space/bin provision. There would be no overlooking or loss of privacy to the flats at No.36a as a result.

The rear of No.1a (two storey) contains no rear facing windows in the wall but does propose two rooflights in the rear facing roof slope. These would serve a bathroom and the stairwell and it is considered appropriate to condition that

these are obscure glazed to ensure there can be no overlooking or loss of privacy. It is considered this is more for the benefit of the future occupiers of the new dwelling given the proximity of a four storey dwelling to the rear whose rear facing windows could potentially look down towards/inwards the proposed rooflights.

The proposed increase in the height of No.1a by 400mm is considered minimal and given the existing situation and the relationship between the two properties (No.1a and No.40), balanced with the fact that although the height will minimally increase, the pitch of the roof will decrease, officers do not consider that this would result in any additional or demonstrable harm to the residential amenity of the neighbouring property which backs onto the application site.

The original proposal for No.1a included the replacement of an existing single storey rear extension which raised concerns about the proposed amenity for future occupiers of the dwelling by reason of overlooking through the proposed sky lantern from No.38 Willes Road. This has since been removed from the plans and replaced with an outdoor courtyard style amenity space for the proposed dwelling. Concerns have been expressed by neighbours who live in the nearest properties about the proximity of this outdoor space to existing rear gardens of the properties in Willes Road. The same could be said for the proposed outdoor space at No.1 and its proximity to the shared garden for the flats at No.36a.

Officers acknowledge these concerns, but at the same time, have had regard to the fact that these are town centre properties. It is not unusual, in such circumstances, for properties and their rear gardens to be in close proximity to one another and there must be a reasonable expectation for some everyday noise associated with households living in such close proximity. It is acknowledged that particular concern in respect of noise and disturbance has been expressed due to the suggestion that these properties will be HMO's and occupied by students, but for the reasons already set out in earlier sections of this report, this cannot influence the decision making of this application. Two bed properties are not HMO's by definition, and whoever they are ultimately occupied by is not material to the planning considerations of the proposal.

Having regard therefore to the historic presence of these buildings on site and the fact they would not result in any additional impacts on neighbouring amenity by reason of overbearing or loss of light, officers have considered the material change of use proposed and the resulting impact this may cause to the amenity of the nearest neighbouring properties by reason of overlooking and loss of privacy. However due to the layout and orientation of the proposed dwellings, the lack of any windows on the rear elevations, with the exception of two rooflights which can be obscured by way of a condition imposed on the permission, and the small outdoor space proposed for each dwelling which is no different in principle, to a number of other private gardens which already exist in close proximity to other properties which is characteristic of town centre living, officers are satisfied that the development is acceptable in accordance with Policy BE3 of the Local Plan.

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

The proposed dwellings focus all the windows serving habitable rooms onto the roadside elevation thus facing away from the rear where there might otherwise be the potential for overlooking and conflict with the properties in Willes Road

which are positioned to the rear. Each of the bedrooms have appropriate outlook and the only rooflights, which would need to be obscured by condition, serve non-habitable rooms.

The proposed courtyard gardens for each of the dwellings fall short of the minimum garden sizes for two bed dwellings set out in the RDG. They do however provide space for bin storage and cycle storage, which is shown on the plans. While the proposed development would not satisfy the space required for private amenity space in the RDG, in the overall planning balance, due to the town centre location, the provision of some outdoor space for each dwelling, the availability of parks and gardens in the town centre within close proximity of the application site and the retention and enhancement of a non-designated heritage asset, it is considered to justify and outweigh the lack of private on-site amenity space in line with adopted standards.

Furthermore, consideration has been given to the fact that this site involves the conversion of two existing buildings within a site that has an established curtilage and no opportunity to further extend this due to the physical constraints and land ownership issues adjoining the red line site area. Accordingly, officers have had regard to the RDG which sets minimum amenity space standards within the context of ensuring that inefficient use of land is avoided. Since that is clearly not the case in this instance, this is also a material consideration in the overall planning balance considered above.

Accordingly officers are satisfied that the development is acceptable in this respect and accords with Policy BE3 of the Local Plan. It is considered appropriate however to remove permitted development rights from the new dwellings to safeguard not only the amenity of the existing properties in Willes Road, but also the amenity of the proposed dwellings which already have minimal outdoor amenity space and as such further development should be controlled.

Access and parking / Highway safety

Two parking surveys have been undertaken in respect of this development. The first one was not carried out during University term time, and as such did not accord with the Council's adopted Parking Standards SPD which, at Appendix A, sets out very clear methodology as to how the Local Planning Authority expects such parking surveys to be carried out.

Accordingly, the second parking survey was undertaken, during University term time and overall, in general terms, it was carried out in accordance with the methodology stipulated in Appendix A of the Parking Standards SPD. The results of the later parking survey conclude that there is on-street parking capacity which occupiers of the proposed two dwellings would be able to utilise.

The County Highways Authority has been consulted repeatedly throughout the course of the application and overall, has raised no objection to the proposed development. The Highways Authority further notes the existing dropped kerb outside what is presently the existing garage and should permission be granted for the development has recommended a condition requiring this to be removed and the kerb reinstated in accordance with the standards specification of the Highways Authority.

The number of concerns expressed by local residents in respect of parking are acknowledged. However, officers are satisfied that the second parking survey complies with the Parking Standards methodology and have formally re-consulted with the Highways Authority again, who has reviewed the latest Parking Survey. With a final response from the Highways Authority of 'No Objection' subject to conditions, there are no material reasons on which to base a recommendation of refusal on highway safety grounds.

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

Ecological impact

A bat survey was undertaken of both buildings which concluded there was no evidence of any bats or bat activity. The County Ecologist has confirmed the methodology in the survey is acceptable, as were the findings, and recommended appropriate advisory notes to be attached to any forthcoming permission on the development. Officers are therefore satisfied that the development accords with Policy NE2 of the Local Plan.

Environmental health considerations

The Environmental Health Officer has considered the development in relation to noise, land contamination and air quality, and raised no objection subject to the imposition of a condition to manage the impacts of construction and demolition works on nearby receptors. Subject to the imposition of a condition requiring such a Construction Method Statement therefore, officers consider the development is acceptable in this regard and accords with Policies BE3 and NE5 of the Local Plan.

Drainage and flood risk

The site is in Flood Zone 1, which is in the lowest possible risk area of flooding. Some supporting information was submitted with the application and the Lead Local Flood Authority has considered the proposal, raising no objection to the development, subject to a recommended condition requiring the submission of a detailed surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. Subject to the imposition of a condition requiring such a drainage scheme therefore, officers consider the development is acceptable in this regard and accords with Policy FW2 of the Local Plan.

SUMMARY / CONCLUSION

The principle of development, in terms of both the loss of the employment use and the provision of new residential development in this location, is considered acceptable in accordance with both Policies EC3 and H1 of the Warwick District Local Plan 2011-2029. The revised plans which follow previous advice from the conservation officer would not result in any visual harm to the character of the area or the street scene and it is considered that the development would preserve and enhance the character and appearance of the Royal Leamington

Spa Conservation Area. There would be no impact on the setting of the nearest listed buildings.

Having regard to the fact that the buildings already exist on site, there would be no additional physical impacts on the amenity of neighbouring properties by reason of loss of light or overbearing impacts. Through the buildings' proposed change of use to dwellings, the minimal increase in height and the introduction of some new fenestration, officers do not consider there would be any material harm by reason of overlooking or loss of privacy that could not be mitigated by a condition requiring the two rooflight windows in No.1a to be obscure glazed since they are only intended to serve non-habitable rooms in any event.

Whilst the proposed gardens do not accord with the standards set out in the Residential Design Guide, officers are satisfied that the development is acceptable in the overall planning balance, due to the town centre location, the provision of some outdoor space for each dwelling, the availability of parks and gardens in the town centre within close proximity of the application site and the retention and enhancement of a non-designated heritage asset.

The updated Parking Survey accords with the Parking Standards SPD and has resulted in no objection being raised by the County Highways Authority. Officers are therefore satisfied the development would not be detrimental to highway safety and there are no environmental health or drainage/flooding concerns related to the development subject to recommended conditions to be imposed to any forthcoming permission.

For these reasons it is recommended that planning permission be approved subject to the conditions set out below.

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 1005-01 Rev.A and specification contained therein, submitted on 25 March 2019, approved drawings 1005-02 Rev.A and 1005-03 Rev.A and specification contained therein, submitted on 24 June 2019 and approved drawing 1005-04 and specification contained therein, submitted on 25 June 2019. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No development and subsequent use of the development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in

consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the existing connection into the STW combined sewer system is in sufficient condition to continue to achieve a gravity connection to this point.
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Provide and implement a maintenance plan to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

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

- 4 No part of the development hereby permitted shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for and include the following:

Noise

1. Work which is likely to give rise to noise off-site shall be restricted to the following hours: -
 - Mon-Fri 8 am - 5pm,
 - Sat 8am -1pm,
 - No working Sundays or Bank Holidays.
2. Delivery vehicles are not allowed to arrive on site:-
 - Mon – Fri before 8am or after 4.30 pm
 - Sat before 8am or after 1 pm
 - No deliveries on Sundays or Bank Holidays.
3. Delivery vehicles are not permitted to wait outside the construction site before the site is open for working.
4. 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:-

5. 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.
6. 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.

7. Whenever possible only electrically-powered plant and equipment shall be used.
8. 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.
9. All plant and machinery in intermittent use shall be shut down in the intervening periods between work.

Dust

10. Unloading shall only take place within the site itself.
11. 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.
12. 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

13. There shall be no burning on site

Light

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

- 5 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 6 No development shall be carried out above slab level unless and until large scale details of doors and windows (including a section showing

the window reveal, heads and cill details) 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.

- 7 The development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access has been closed and the kerb has been reinstated in accordance with the standard specification of the Highway Authority. **REASON:** In the interest of highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.
- 8 Prior to the occupation of the development hereby permitted, the rooflight windows in the north east facing rear elevation of the two storey building hereby permitted shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
- 9 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 further development shall take place within the curtilage of any dwellinghouse hereby permitted. **REASON:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 04 December 2019

Item Number: 7

Application No: [W 19 / 0674](#)

Town/Parish Council: Warwick

Case Officer: Rebecca Compton

01926 456544 rebecca.compton@warwickdc.gov.uk

Registration Date: 24/05/19

Expiry Date: 19/07/19

6 Jury Street, Warwick, CV34 4EW

Installation of replacement of kitchen extraction system FOR Warwick District Council

This application is being presented to Planning Committee as Warwick District Council owns the building and is the applicant.

RECOMMENDATION

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

RELEVANT PLANNING HISTORY

W77/0049 - Use of vacant offices as tea rooms - Granted

W77/0419 - Display of fascia sign (0.53m x 1.5m) and projecting sign (0.46m x 0.84m) - Granted

W89/1400/LB - Demolition of kitchen and erection of extension to tearooms and new kitchen - Granted

W90/1071/LB - Erection of rear kitchen extension - Granted

W04/2203 - Internal alterations including revised floor and new stud partition wall - Granted

W06/0615/LB - Display of a hanging sign on front of property (Retrospective application) - Granted

W07/1482/LB - Retention of retractable awnings to cover patio dining area at rear (Retrospective application) - Refused

W09/0399/LB - Retention of structure over rear patio (Retrospective application) - Granted

W/14/0507/LB - Installation of flue extraction equipment - Granted

W/15/1629/LB - Installation of extraction equipment - Granted

W/15/1697 - Installation of extraction equipment - Granted. Subsequently quashed by High Court judgement.

THE SITE AND ITS LOCATION

The application property is an attractive Grade II Listed Building situated on the South-West side of Jury Street within Warwick Town Centre and the Warwick Conservation Area. It is currently in use as a Spanish restaurant. The existing extraction unit is located on the rear face of the existing modern extension and overhangs onto the car park to the rear. The existing extraction currently discharges cooking odours at a low level with little to no odour control. The current unit lacks the appropriate control of odour and therefore has adverse impacts to the occupiers of the surrounding buildings and also the wider area.

DETAILS OF THE DEVELOPMENT

The application proposes the installation of a new extraction flue to the rear of the property on a modern extension after the removal of the existing extraction unit which is considered to be unfit for purpose.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Health and Community Protection – Safer Communities Section: No objection, subject to conditions to secure acceptable levels of noise and odour control.

ASSESSMENT

Impact on Amenity

The Council's Environmental Health Officer notes that the proposed replacement kitchen extraction system would provide a point of termination at roof height at the rear of the property and has confirmed that this would represent an improvement over the existing kitchen extraction arrangements where cooking odours are currently discharged horizontally at a low level with little-to-no odour control. He further comments that the installation of a vertical flue and additional duct length will also allow the installation of additional odour abatement measures to further mitigate the release of cooking odours from the premises.

The proposed flue will be relocating the discharge point to roof level by installing a vertical flue and a new extraction fan unit. By installing a new fan unit, there is the potential for noise disturbance to be caused to nearby residential dwellings and other noise sensitive commercial uses. A noise assessment has been submitted and the Environmental Health Officer is satisfied that noise levels would

be acceptable. A condition is proposed to be added to any approval granted to ensure that this can be suitably controlled

Environmental Health have worked closely with the applicant when considering other design solutions and have commented that the current proposal is the most effective in terms of mitigating the levels of noise and odour.

Subject to conditions, the proposal is considered to represent an improvement over the existing extraction in terms of its ability to effectively control cooking odours and noise levels are considered to be acceptable. The proposal will therefore have an acceptable level of impact to the adjacent neighbouring properties in accordance with Policy BE3.

Design and impact on the character and appearance of the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

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 a designated heritage asset, unless it is necessary to achieve public benefits that would outweigh the harm.

The Conservation Officer has raised concerns regarding this proposal based on the size and height of the flue which would be highly visible from the rear elevation and considers that it would be harmful to the character and appearance of the Conservation Area, although the level of harm would be less than substantial.

The applicant has put forward a strong justification for the size and siting of the flue on the grounds that it would replace an existing harmful extraction unit and the proposed flue would effectively manage the levels of odour and noise. Furthermore, the proposed flue has been sited so as to minimise the impact on the Listed Building; the flue is located to the rear on a modern addition adjacent to an existing parapet wall and the flue will extend upward in a gap between the application building and the neighbouring building so as to not obscure the rear elevation of either building. The flue will be powder coated black and the design is an improvement on the existing extraction unit.

The harm to the listed building and the Conservation Area would be less than substantial, however, it is considered that the proposal would be an improvement on the existing extraction unit and would provide a public benefit in terms of

replacing a harmful extraction unit that has little or no odour control. The proposal is therefore considered to satisfy the requirements of Policy HE1 and para 196 of the NPPF.

Conclusion

Based on the requirement for a replacement extraction unit and the proposed design being the most appropriate in terms of controlling the levels of noise and odour whilst minimising the potential impacts on the listed building and the conservation area, the proposal is considered acceptable.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing CATA-002B1 & CATA-003C and Kitchen Ventilation quotation by Caterquip Ventilation submitted on 22nd May 2019 and approved drawing AT/6JC/02 submitted on 24 May 2019, and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The flue hereby approved shall be powder coated in black prior to first use and maintained as such in perpetuity. **REASON:** To ensure the development respects the character of the Conservation Area in accordance with Policy HE1 and BE1 of the Warwick District Local Plan 2011-2029.
- 4 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 04 December 2019

Item Number: 8

Application No: [W 19 / 0980 LB](#)

Town/Parish Council: Warwick

Case Officer: Rebecca Compton

01926 456544 rebecca.compton@warwickdc.gov.uk

Registration Date: 10/07/19

Expiry Date: 04/09/19

6 Jury Street, Warwick, CV34 4EW

Replacement of kitchen extraction system. FOR Warwick District Council

This application is being presented to Planning Committee as Warwick District Council owns the building and is the applicant.

RECOMMENDATION

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

RELEVANT PLANNING HISTORY

W77/0049 - Use of vacant offices as tea rooms - Granted

W77/0419 - Display of fascia sign (0.53m x 1.5m) and projecting sign (0.46m x 0.84m) - Granted

W89/1400/LB - Demolition of kitchen and erection of extension to tearooms and new kitchen - Granted

W90/1071/LB - Erection of rear kitchen extension - Granted

W04/2203 - Internal alterations including revised floor and new stud partition wall - Granted

W06/0615/LB - Display of a hanging sign on front of property (Retrospective application) - Granted

W07/1482/LB - Retention of retractable awnings to cover patio dining area at rear (Retrospective application) - Refused

W09/0399/LB - Retention of structure over rear patio (Retrospective application) - Granted

W/14/0507/LB - Installation of flue extraction equipment - Granted

W/15/1629/LB - Installation of extraction equipment - Granted

W/15/1697 - Installation of extraction equipment - Granted. Subsequently quashed by High Court judgement.

THE SITE AND ITS LOCATION

The application property is an attractive Grade II Listed Building situated on the South-West side of Jury Street within Warwick Town Centre and the Warwick Conservation Area. It is currently in use as a Spanish restaurant. The existing extraction unit is located on the rear face of the existing modern extension and overhangs onto the car park to the rear. The existing extraction currently discharges cooking odours at a low level with little to no odour control. The current unit lacks the appropriate control of odour and therefore has adverse impacts to the occupiers of the surrounding buildings and also the wider area.

DETAILS OF THE DEVELOPMENT

The application proposes the installation of a new extraction flue to the rear of the property on a modern extension after the removal of the existing extraction unit which is considered to be unfit for purpose.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No comment.

ASSESSMENT

Impact on amenity

The Council's Environmental Health Officer notes that the proposed replacement kitchen extraction system would provide a point of termination at roof height at the rear of the property and has confirmed that this would represent an improvement over the existing kitchen extraction arrangements where cooking odours are currently discharged horizontally at a low level with little-to-no odour control. He further comments that the installation of a vertical flue and additional duct length will also allow the installation of additional odour abatement measures to further mitigate the release of cooking odours from the premises.

The proposed flue will be relocating the discharge point to roof level by installing a vertical flue and a new extraction fan unit. By installing a new fan unit, there is the potential for noise disturbance to be caused to nearby residential dwellings and other noise sensitive commercial uses. A noise assessment has been submitted and the Environmental Health Officer is satisfied that noise levels would be acceptable. A condition is proposed to be added to any approval granted to ensure that this can be suitably controlled

Environmental Health have worked closely with the applicant when considering other design solutions and have commented that the current proposal is the most effective in terms of mitigating the levels of noise and odour.

Subject to conditions, the proposal is considered to represent an improvement over the existing extraction in terms of its ability to effectively control cooking odours and noise levels are considered to be acceptable. The proposal will therefore have an acceptable level of impact to the adjacent neighbouring properties in accordance with Policy BE3.

Design and impact on the Listed Building

Section 66 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

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 a designated heritage asset, unless it is necessary to achieve public benefits that would outweigh the harm.

The Conservation Officer has raised concerns regarding this proposal based on the size and height of the flue which would be highly visible from the rear elevation and considers that it would be harmful to the listed building, although the level of harm would be less than substantial.

The applicant has put forward a strong justification for the size and siting of the flue on the grounds that it would replace an existing harmful extraction unit and the proposed flue would effectively manage the levels of odour and noise. Furthermore, the proposed flue has been sited so as to minimise the impact on the Listed Building; the flue is located to the rear on a modern addition adjacent to an existing parapet wall and the flue will extend upward in a gap between the application building and the neighbouring building so as to not obscure the rear elevation of either building. The flue will be powder coated black and the design is an improvement on the existing extraction unit.

The harm to the listed building would be less than substantial, however, it is considered that the proposal would be an improvement on the existing extraction unit and would provide a public benefit in terms of replacing a harmful extraction unit that has little or no odour control. The proposal is therefore considered to satisfy the requirements of Policy HE1 and para 196 of the NPPF.

Conclusion

Based on the requirement for a replacement extraction unit and the proposed design being the most appropriate in terms of controlling the levels of noise and odour whilst minimising the potential impacts on the listed building, the proposal is considered acceptable.

CONDITIONS

- 1 The works hereby permitted shall begin not later than three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 CATA-002B1 & CATA-003C and Kitchen Ventilation quotation by Caterquip Ventilation submitted on 22nd May 2019 and approved drawing AT/6JC/02 submitted on 24 May 2019, and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 3 The flue hereby approved shall be powder coated in black prior to first use and maintained as such in perpetuity. **REASON:** To ensure an appropriate form of development for this Listed Building in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029.
-

Planning Committee: 04 December 2019

Item Number: 9

Application No: [W 19 / 0807](#)

Town/Parish Council: Leek Wootton

Case Officer: George Whitehouse

01926 456553 george.whitehouse@warwickdc.gov.uk

Registration Date: 15/08/19

Expiry Date: 10/10/19

1 The Elms, Leek Wootton, Warwick, CV35 7RR

Erection of rear kitchen extension FOR Mr D Hughes

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

It is important to note all objections were in reference to the part of the proposal to move the boundary fence which is no longer a part of this application. No objections were received regarding the single storey rear extension.

RECOMMENDATION

Grant

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a single storey rear extension.

THE SITE AND ITS LOCATION

1 The Elms is a detached dwelling which backs onto Warwick Road, the outer red line on the plan details the site boundary and the inner line details the existing location of the fence, which is no longer proposed to be moved. The site backs on to Warwick Road. there is a significant grass verge between the highway and the rear boundary of the property.

PLANNING HISTORY

W/14/0321: Erection of two single storey side extensions and two additional dormer windows to the front elevation. GTD

W/19/0164: Erection of single storey rear extension. WDN

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)

- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Neighbourhood Plan
- Leek Wootton and Guy's Cliffe Neighbourhood Plan 2018-2029

SUMMARY OF REPRESENTATIONS

Leek Wootton Parish Council: Withdrew objection to application after fence was no longer proposed to be moved.

Highways: Withdrew objection to application after fence was no longer proposed to be moved.

Public: 5 objections regarding the repositioning of the fence.

ASSESSMENT

Design and impact on the street scene

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

The single storey rear extension is an acceptable addition to the dwelling. There are similar extensions to the properties on The Elms including the adjacent neighbour to the left. Being situated to the rear it would have little impact on the street scene.

As previously stated, the fence is no longer proposed to be moved as part of this application.

Therefore, it is considered the proposals comply with local plan policy BE1.

Impact on the amenity of neighbours

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide 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 the extent to which neighbours can enjoy their own dwellings without undue disturbance or intrusion from nearby uses.

There is no breach of the 45 degree guideline by the extension and it is not considered to result in an unacceptable loss of amenity to any neighbour.

No objections have arisen following the most recent consultation which relates to the extension only.

SUMMARY / CONCLUSION

The proposals relate to a single storey rear extension which complies with local plan policies BE1 and BE3. There is no impact on the street scene or the neighbouring dwellings and their current levels of amenity.

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 01 EXISTING AND PROPOSED ROOF PLAN, 01 PROPOSED BASE PLAN AND REAR ELEVATION and 02 EXISTING AND PROPOSED PLANS AND ELEVATIONS, and specification contained therein, submitted on 15/05/2019. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
-

Planning Committee: 04 December 2019

Item Number: 10

Application No: [W 19 / 1544](#)

Town/Parish Council: Whitnash
Case Officer: Ankit Dhakal

Registration Date: 10/09/19
Expiry Date: 05/11/19

01926 456528 ankit.dhakal@warwickdc.gov.uk

4 Markham Drive, Whitnash, Leamington Spa, CV31 2PP

Erection of two storey side extension, single storey front porch and an additional no.1 parking space to the side FOR Mr S Atwal

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

RECOMMENDATION

Planning committee are recommended to grant planning permission subject to conditions.

DETAILS OF THE DEVELOPMENT

The applicant is seeking permission for the erection of a two storey side extension and a single storey porch extension. The amended plan shows the side extension to be in line with no.5 Markham Drive and the front porch extension to be in line with no.3 Markham Drive. The side extension will be used as a lounge and dining room at the ground floor whilst the upper floor will provide an additional bedroom with an en-suite at the rear.

During the consultation period, the original plan received 10 objections raising concerns ranging from the size of the extension to possible parking issues on the street. As a result of this, the agent has amended the proposed plan. The width of the proposed side extension is smaller and is set back as well as set down from the original dwellinghouse to give a subservient appearance. Additionally, the agent has reduced the angle of the mono pitched front porch roof and omitted the 1.8 metre boundary fence from the plan. Furthermore, an additional parking space has been proposed to the side of the dwellinghouse to meet the parking standards.

THE SITE AND ITS LOCATION

The application relates to a two storey semi-detached dwellinghouse situated on a corner plot in Markham Drive, Leamington Spa. The property has a side garden which is currently enclosed by shrubs and bushes. The neighbouring property no.3 Markham Drive attaches to the application property to the east, and no.5 Markham Drive is located at the rear of the applicant property.

PLANNING HISTORY

There is no relevant planning history related to this site.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- Guidance Documents
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- Neighbourhood Plan
- Whitnash Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Whitnash Town Council: Initially objected on the grounds that the development will ruin the street scene as a result of the boundary fence. However this objection has been withdrawn following the receipt of amended plans.

County Ecology: Initial bat survey was not deemed necessary but recommend notes relating to bats and nesting birds.

County Highways: Initially objected on the grounds of parking. However they are satisfied with the proposed dropped kerb for an additional parking space.

Public response: 10 objections received relating to the side extension not being in keeping with the street scene, the height of boundary fence being obtrusive and unsafe, potential breach of the 45-degree line, concerns over parking, and potential multiple occupancy.

ASSESSMENT

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

- the impact on the character and appearance of the area;
- the impact on the living conditions of neighbouring dwellings;
- car parking; and
- ecological impacts.

Impact on the character and appearance of the area

Section 7 of the National Planning Policy Framework (NPPF) places significant weight on requiring good design which is a key aspect in achieving sustainable development. New development should positively contribute towards making places better for people.

Whitnash Neighbourhood Plan (2015) Policy W4 requires any new development to be of an appropriate scale, mass and be built in a way which responds to the characteristics of the site and its surroundings.

Policy BE1 of Warwick District Council's Local Plan 2011 – 2029 reinforces the importance of good design as explained by the NPPF. The Policy requires all development to respect surrounding buildings in terms of scale, height, form and massing.

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

The amended plan will not be incongruous or be of overbearing design when compared to other properties in the street. The extensions will be constructed from appropriate matching materials. The design would provide a subservient form of development which does not detract from the main dwelling and can easily be read against the existing property.

The side extension is set down from the main ridge line and set back from the front elevation in accordance with the requirements of the Residential Design Guide. Furthermore, the extensions follow the building line of no.3 Markham Drive to the front and no.5 Markham Drive to the rear.

The side extension is no more than two-thirds of the width of the original house, in accordance with the requirements of the Residential Design Guide. Furthermore, an appropriate area of garden is retained to the side, preserving a suitable degree of openness for this corner plot.

It is therefore considered that the extension would have an acceptable impact on the street scene. The development is therefore considered to be in accordance with policy W4 of Neighbourhood Plan and the Local Plan Policy BE1.

Impact on the living conditions of neighbouring dwellings

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.

The proposed extensions will not breach a 45-degree line from either of the neighbouring properties. The proposals would also comply with the Council's Distance Separation Standards in relation to the dwellings on the opposite side of

Markham Drive. The development is therefore considered acceptable with regard to the impact on light and outlook.

There are no side facing windows proposed to be fitted within the side extension at first floor level. Other windows are positioned so that they will not cause an unacceptable increase in overlooking of neighbouring dwellings. Therefore the proposals would not cause unacceptable loss of privacy for any neighbours.

In light of the above, it has been concluded that the proposal would not harm the living conditions of neighbouring dwellings. Therefore the proposals are in accordance with Local Plan Policy BE3.

Car parking

The proposed development will increase the number of bedrooms from three to four. Under the Council's Parking Standards this would require an additional parking space (3 spaces compared with the existing requirement for 2). Amended plans have been submitted to show an additional parking space. This has been agreed with the Highway Authority. The proposals therefore accord with the Council's Parking Standards and Local Plan Policy TR3.

Ecological impacts

The County Ecologist has recommended informative notes in relation to bats and nesting birds. This will ensure that adequate consideration is given to the potential impact on these protected species. In view of the advice from WCC Ecology, the proposal is considered to be in accordance with Local Plan Policy NE2.

SUMMARY / 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. The proposals would also be acceptable in terms of car parking and ecological impacts.

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) 02D and 04, and specification contained therein, submitted on 24th October 2019 and 20th November 2019. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
 - 4 The additional access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
 - 5 The extensions hereby permitted shall not be occupied until space has been provided within the site for the parking of 3 cars in accordance with the approved site plan no. 04. The approved parking spaces shall be retained at all times. **REASON:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
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Planning Committee: 04 December 2019

Item Number: 11

Application No: [W 19 / 1772](#)

Town/Parish Council: Radford Semele
Case Officer: Helena Obremski

Registration Date: 15/10/19

Expiry Date: 10/12/19

01926 456531 Helena.Obremski@warwickdc.gov.uk

Land at The Valley, Radford Semele, Leamington Spa, CV31 1UZ

Erection of a dormer bungalow, with provision of access, parking and associated drainage infrastructure FOR Mr Arjang Aghdasi-Sisan

This application is being presented to Committee as more than 5 letters of support have been received and it is recommended for refusal.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks full planning permission for the erection of one detached dormer bungalow. The dwelling would be set back into the site, allowing the shared access to the property to the south. The bungalow would have red brick walls, a grey tiled roof and uPVC doors and windows.

The application seeks to overcome the reasons for refusal identified under application ref: W/17/2352 and in relation to withdrawn application ref: W/18/1996. Contrary to previous submissions, the applicant now proposes that the dwelling would be a self-build property for themselves or their family.

The application has been amended to reduce the height of the bungalow and reduce the size of one of the proposed front facing dormer windows. The agent has also provided further justification relating to the principle of the development.

THE SITE AND ITS LOCATION

The application relates to a parcel of land positioned to the north east of The Valley, a single track road leading to open fields and a residential property known as "Tinker's Close". The application site is located within the open countryside and is located outside of the Radford Semele village envelope. There are some other residential properties along The Valley, with open countryside opposite and behind the site. The site is currently overgrown, with a variety of shrubs and trees.

RELEVANT PLANNING HISTORY

Application Site:

W/18/1996 - Erection of 2no. dwellings (resubmission of application ref: W/17/2352) - Withdrawn.

W/17/2352 - Erection of 2no. dwellings - refused for the following reasons:

1. *Policy H1 of the Warwick District Local Plan 2011-2029 directs new housing to previously developed land within specified Limited Growth villages where a specific local need has been identified. The application site is not within one of the identified Limited growth villages and no evidence of local need has been submitted with the application. The development is therefore considered to be contrary to the aforementioned policy.*
2. *Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. New development will be expected to harmonise with or enhance the existing settlement, and relate well to local topography and landscape features. The proposed development is considered to provide an incongruous and out of keeping form of development which would be harmful to the existing street scene. The three storey impression created by the proposed development is at odds with the established character of the wider area and front facing gable provides an alien feature within the street scene. The proposal would represent backland development which does not harmonise with the existing settlement and also represents overdevelopment of the site. The loss of the open nature of the site would also be harmful to the rural character of the area and would create a more suburban, built up frontage. The development is thereby considered to be contrary to the aforementioned policy.*
3. *Policy BE3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development. Furthermore, the District Council has also adopted Supplementary Planning Guidance on minimum distance separation between properties which aims to prevent any unreasonable effect on the neighbouring properties or future occupiers by reason of loss of privacy, outlook or sunlight, and by creating an unneighbourly and overbearing effect. Plot 1 is considered to provide a lack of adequate outlook and light to habitable rooms serving the property owing to substandard distance separation. This is considered to provide substandard living conditions for the occupiers of the property. The proposal also fails to provide adequate outside amenity space for the future occupiers of both dwellings which is considered to be constrained, cramped and oppressive. The proposal is thereby considered to be contrary to the aforementioned policy and guidance.*
4. *Policy TR3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will only be permitted that makes provision for car parking that does not result in on-street parking detrimental to highway safety. Policy TR1 of the Local Plan states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists, public transport users, emergency vehicles, delivery vehicles, refuse vehicles and other users of motor vehicles, as appropriate. Inadequate proposals are*

made in the application for the provision of car parking facilities within the curtilage of the premises and vehicles would, therefore, be likely to park on the public highway causing danger and inconvenience to other road users. Furthermore, the development would increase vehicular movement along a highway which does not allow two vehicles to pass each other, which could cause additional danger to highway safety. The proposed access would not allow two vehicles to pass each other, which could result in vehicles waiting within the limits of the highway, where they would not be able to pass each other, which could cause danger to highway safety. Also, the proposed parking arrangement would block vehicles when using the proposed access, providing inadequate access arrangements for the site. Finally, it has not been demonstrated that the highway serving the site and the proposed access have the capacity to accommodate emergency, delivery or refuse vehicles. The development is thereby considered to be contrary to the aforementioned policies.

- 5. Paragraph 103 of the NPPF requires that applications in Flood Zone 1 under a hectare, where proposed development or change of use to a more vulnerable class may be subject to other sources of flooding (footnote 5), should be accompanied by a Flood Risk Assessment reviewing the potential flood risks to the development from all sources. Warwick District Local Plan 2011 - 2029 policy FW1 states that new development must be resilient to surface water, fluvial and pluvial flooding. A Flood Risk Assessment is vital if the local planning authority is to make informed planning decisions. In the absence of a Flood Risk Assessment, the flood risks resulting from the proposed development are unknown. No Flood Risk Assessment has been provided by the applicant as part of the application. Therefore, the proposed development is considered to be contrary to the aforementioned policies.*
- 6. Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System advises that it is essential that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations will not have been addressed on making the decision. Circular 06/2005 advises that the need to ensure that ecological surveys are carried out should only be left to conditions in exceptional circumstances. No such circumstances exist in this case.*
- 7. Policy HS4 of the Warwick District Local Plan 2011 - 2029 states that contributions from residential developments will be sought to provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs. The Council have also adopted a Supplementary Planning Document entitled Open Space together with associated guidance on developer contributions for commuted payments for off-site provision and enhancement of public open space where it is not provided on site. The Open Space team have requested a contribution of £5,052 towards identified improvements to local open spaces. No unilateral undertaking has been put forward to secure such a contribution and therefore, in the opinion of the Local Planning Authority, the proposals do not make adequate provision for open space. The proposals would therefore be contrary to the aforementioned policies.*

W/91/1041 - Erection of four detached dwellings - Withdrawn.

Adjacent site (north west - Land Adjacent to Leigh Foss):

W/97/0561 - Erection of a dwelling - Withdrawn.

W/97/0565 - Siting of a caravan - Withdrawn.

W/00/1315 - Erection of a dwelling - Withdrawn.

W/01/0133 - Erection of a dwelling and detached garage - Refused.

W/02/0548 - Erection of 2 dwellings - Withdrawn.

W/07/0618 - Erection of 6 affordable dwellings - Withdrawn.

W/08/0756 - Erection of 3 pairs of semi-detached dwellings - Refused.

Adjacent site (north/north east):

W/78/0815 - Residential development of the site - Refused and dismissed at appeal.

W/16/1489 - Outline planning permission for 40 dwellings - Refused.

W/17/0514 - Outline planning permission for 20 dwellings - Refused.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenities (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- H15 - Custom and Self-Build Housing Provision (Warwick Local Plan - 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Radford Semele Parish Council: Objection, the site lies outside of the village envelope and the proposed development would represent the unacceptable consolidation of the existing ribbon of development fronting The Valley which would be detrimental to the rural setting and openness of the village. Proposed housing for Radford Semele was taken out of the recently adopted Local Plan by the Inspector. The development is contrary to Local Plan Policy H1. The site is an area of high to medium landscape sensitivity. Highways improvements to gain access to the site are likely to adversely affect the rural character of The Valley. The proposal would have a detrimental impact on protected species.

Councillor Sabin: Objection, there is no need for additional housing in Radford Semele. Inadequate access and lack of refuse collection. Query regarding the actual economic contribution which the dwelling would make to the local economy.

Councillor Leigh-Hunt: Objection, there is already large population growth within the village. The site is not within the village boundary and there is no identified housing need. There would be little continuing economic benefit to the village in view of the limited services there following construction of the dwelling. The applicant has no connection to the village or nearby area. Inadequate access and lack of refuse collection. The area is subject to frequent flooding, leaving the site inaccessible.

WCC Ecology: No objection, subject to conditions.

WCC Local Lead Flood Authority (LLFA): Objection, the location of the rainwater harvesting tank could cause issues in relation to maintenance and access, and it is likely that the tank would be required next to the dwelling to provide connection for the reuse of water.

WCC Highways: No objection, subject to condition.

Waste Management: No objection.

WCC Landscape: Objection, the application site as existing helps to retain the rural appearance of the area. Developing the site would create a more continuous row of built form than the existing arrangement and provide a more suburban appearance to this frontage, which would detract from and be harmful to the rural character of the area. Widening the lane may affect the group of hawthorn, sycamore and ash to the south. These trees and scrub form part of a group that define the approach to the Public Right of Way. Concern that the underground water tank could harm root protection area of vegetation to the south of the lane.

Public Response:

15 Objections received on the following grounds:

- the site is outside of the village boundary and should not be developed;
- development priority should be given to brownfield development;
- Radford Semele has already received more than the original allocation of housing and there is no need for additional housing;

- impact of construction works on neighbouring residents;
- inadequate access for refuse and emergency vehicles;
- impact on existing flooding with no means of escape;
- there is no waste collection along Tinkers Close;
- impact on wildlife and trees;
- suggestion for Lewis Road vehicle navigation and road improvements;
- contrary to the neighbour support letters, there has been no fly tipping on the site;
- there is already plenty of choice for buyers within the nearby area.

7 Support responses received on the following grounds:

- the proposed development is in keeping with the existing character of the area;
 - the proposal would save the Council money in terms of fly tipping and moving off people illegally occupying the land;
 - the site is an infill plot which is suitable for self-build development;
 - there would be benefits such as: income from rates, contribution to housing delivery, eliminating risk of fly tipping, eliminating risk of trespassing and unauthorized residency;
 - the proposal would help meet the need of a family and add to the community;
 - there is a high demand for self-build plots and need for additional housing;
 - there would be no impact on on-street parking;
- the existing new residential development is too expensive.

ASSESSMENT

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

- Principle of the Development - *New Housing and Self-build and Custom Housing*
- The Impact on the Character and Appearance of the Area
- The impact on the living conditions of nearby dwellings and living conditions for the future occupiers of the site
- Car Parking and Highway Safety
- Drainage and Flood Risk
- Ecological Impact
- Open Space
- Waste
- Other Matters

Principle of the Development

Location of New Housing

Local Plan Policy H1 states that new housing in rural areas will be permitted in Growth and Limited Infill Villages as shown on the proposal maps. Whilst Radford Semele is identified as a Growth Village, the application site is outside of the village envelope boundary, and is located within the open countryside.

Officers consider that the proposed development meets none of the exceptions to the provision of rural housing set out in Local Plan Policy H1, and therefore the development is considered to be unacceptable in principle.

However, the applicant proposes that there is an identified housing need to which the proposed development can contribute. This is one of a number of criteria which need to be met in order to allow new development within the open countryside. However, there have been various attempts to obtain planning permission for new housing on the adjoining sites which have been refused and dismissed at appeal, which were also refused for being located outside of the village envelope, and not within allocated housing sites. There have also been various public objections, an objection from the Parish Council and Local Councillors in reference to the principle of the development, stating that there is no local need for the proposed dwellings. There has been no local assessment of need provided in support of the application.

Furthermore, notwithstanding whether there is a local need for the development, the proposal must meet all of the criteria for new housing in the open countryside set out by point 'd' of Policy H1. Officers do not consider that the site is located adjacent to the boundary of the urban area or a growth village. This point is also acknowledged by the agent in the planning statement. Therefore, this confirms that the development is not acceptable in principle.

The planning statement also states that the Council does not have a 5 year housing land supply, suggesting that it is much lower than this. The applicant maintains that the evidence provided alongside the housing trajectory is insufficient to meet the requirements of the NPPF and relevant Housing Supply and Delivery Planning Policy Guidance. In Annex 2 of the NPPF it states that;

- sites which do not involve major development and have planning permission, and all sites with detailed planning permission should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within 5 years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).
- a) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within 5 years

The applicant suggests that there is insufficient evidence to satisfy point b) of the above and therefore the current 5 year land supply position is false. Para. 20 of the PPG gives several options of evidence that might be used to demonstrate that there is a 'reasonable prospect' of development, but the text is clear that this list is not exclusive and therefore other evidence may reasonably be provided. It should be noted that one of the forms of evidence that is included is "likely buildout rates based on sites with similar characteristics" and so the provision of written evidence from developers is not considered a de facto requirement of all evidence types.

The Council has developed a proactive approach to both site delivery and monitoring of development. In view of the scale of development allocated in the current Local Plan for Warwick District, the Council has appointed three full-time Site Delivery Officers, each responsible for a different geographic areas of the district. These are experienced officers who liaise on a very regular basis with all major landowners and developers and support an Officer and Members Project Board for each area. This work is augmented by quarterly monitoring of all major sites.

Through these means, officers engage on a continuous basis with developers to understand their likely delivery rates on each individual site falling within the categories outlined in b) above, and these conclusions are detailed in the spreadsheet published alongside the trajectory. It is therefore considered that the Council has met the test of providing suitable evidence to demonstrate that there is a reasonable prospect of development and therefore that it meets the 5 Year Housing Land Supply Test.

It should also be noted that if the Council accepted that it did not have a 5 year housing land supply, which it does not, this would not render the development being acceptable. Whilst Local Plan Policy H1 would have less weight, and paragraph 11 of the NPPF would be triggered, this does not mean to say that the Council would allow development for housing in an unsustainable location. Paragraph 11 of the NPPF allows for the presumption in favour of *sustainable* development and if there was an under delivery of housing, this would be directed as identified by Local Plan Policy H1 to sites adjacent to the urban areas and to the growth villages, which are sustainable locations. The agent's contention that the Council does not have a 5 year housing land supply is therefore immaterial.

Supporters of the scheme suggest that the site is an infill plot which is suitable for self-build development. However, the site is not included within a limited infill boundary and so does not meet the Council's definition of limited infilling.

The proposal is therefore considered to be unacceptable in principle and fails to accord with Local Plan Policy H1.

Self-build and Custom Housing

Local Plan Policy H15 states that proposals for such development are encouraged and will be approved in suitable, sustainable locations, including: sites to the south of Coventry, major strategic housing sites, brownfield sites in built up area, growth villages and appropriate locations in infill villages, subject to compliance with all other relevant policy requirements. The proposal is not located within any of the suitable or sustainable locations listed above. Moreover, as clarified above, the development does not conform with Local Plan Policy H1. Therefore, it cannot be agreed as suggested by the applicant, that the development is in accordance with Local Plan Policy H15.

In drafting the 2018 Self-Build Progress Report, the Council took the view that although any development permission had the capacity to contain self-build or custom plots (and therefore met the 'suitable' test set out in para 6c of the Housing and Planning Act), it would be more likely for plots to come forward on smaller sites. As such the number of dwellings granted on sites of 10 or under

were calculated as permissions that could come forward as plots for self-build or custom housebuilding, and that the demand articulated in the Self-build Register had been met in Base Periods 1 and 2, with a small amount of demand (18 plots) not met from Base Period 3 and therefore rolled into Base Period 4.

The applicant also suggests that the proposal would be for a self-build dwelling for their own needs, or that of their younger generation. It is noted that a Local Councillor states that the applicant has no connection to the village or nearby area. The agent initially suggested that because there was an undersupply of 18 self-build plots last year, according to the Council's Custom and Self Build Progress Report 2018, that there is a need for self-build plots. However, the Council's response was that it has three years in which to demonstrate that sufficient suitable permissions have been granted to meet a Base Period's demand. Therefore, it is not considered that the undersupply of self-plots last year means that there is a local need for such housing in this location, or that this provides justification for granting the application.

Subsequently, the agent has provided an additional supporting statement which criticises the Council's approach towards the Custom and Self-Build Register and associated delivery. The agent queries the constitutional authority for imposing a local needs test to the register and whether the test is being applied retrospectively to existing individuals on the register. The agent provides further information in relation to when they consider that the Base Period starts and finishes, suggesting that 30th October 2019 is the end of the period in which the sites from Base Period 1 should be delivered by, and therefore that the Council should give the delivery of this self-build dwelling significant weight to ensure that the required target is met.

The agent states that only sites granted after 30th October 2016 should be counted towards the Council's custom and self-build housing delivery. The Council's report however draws on permissions from 1st August 2015 and 30th October 2016, which the agent contends should not be included. The agent goes on to state that a truer picture of delivery of self-build can be established by considering how many CIL Self-Build exemptions have been approved, albeit CIL was only introduced in December 2017. The Council can confirm that 15 self-build exemptions have been granted. The agent contends that based on this information, there would be a shortfall of 84 plots which must be met as soon as possible to make good the failure to meet the statutory duty, and noting that demand for Base Period 2 is already adding further pressure in the form of 111 plots.

Officers have sought advice from the Policy team regarding the above matter on the base periods and conclude that an error has been made in the Progress Report. They are preparing an addendum to the 2018 Report to adjust the presentation of the data. Notwithstanding any minor changes that may be made of the further analysis, then the table of delivery will be amended to;

	Demand	Supply	Outstanding BP1 (due by BP4)	Outstanding BP2 (due by BP5)	Outstanding BP3 (due by BP6)
BP1	97	-	97	-	-

BP2	111	145	-	111	-
BP3	95	77	-	34	95

Given the above table, Officers still consider that it can be demonstrated that there is sufficient delivery of self-build plots that meet the test in the Act for the demand that has arisen and must be met by the time of the application (i.e. that which arose in Base Period 1). The Council remain confident that subsequent Base Periods will be met also.

The agent further states that taking the approach of counting permissions on small sites of less than 10 dwellings towards meeting demand for Base Period 1 is not acceptable, referring to an appeal decision (APP/G2435/W/18/3214451) where an Inspector found that the decision of North West Leicestershire District Council to count sites for single dwellings as custom and self-build housing was not acceptable. However, Officers consider that the Inspector has misinterpreted the legislation. As set out in the Housing and Planning Act (2016) there is a duty on Local Authorities to give suitable permissions for enough serviced plots of land for self-build and custom housebuilding to meet the volume of demand in the relevant Base Period of the Register. Section 10 para 6c of the Housing and Planning Act (2016) sets out the definition of suitable as "permission in respect of development that could include self-build and custom housebuilding". It is therefore clear that the test is whether it is possible that the permission could include self-build or custom plots, and not whether it will. The Inspector states that "the Council is required by the provisions in Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended) to grant planning permission for enough serviced plots of land to meet the demand for self-build and custom housebuilding in the District which arises in each base period" but does not take into account the Housing and Planning Act (2016) that unambiguously requires permissions that could rather than will provide plots. The National Planning Policy Guidance referenced in the Appeal Decision reiterates the requirement for suitable permissions to be granted, with the definition of suitable necessarily the one provided in the Housing and Planning Act. Given the substantial delivery of suitable plots that can be demonstrated in the initial Base Periods the Council does not anticipate that this will result in Base Period 1's demand being unmet.

The applicant's Planning Statement itself confirms that the proposed development does not conform with Local Plan Policy H1. The Statement suggests that although the site is not adjacent to the growth village boundary, that the dwelling would not be isolated and that there would be no environmental, social or economic harm as a result of the development. The applicant suggests that in order to deliver the demands of the Custom and Self-Build Register, locations outside of settlements will need to be considered. However, Officers do not agree with this approach. The Local Plan sets out a clear indication where self-build and custom housing should be delivered and although Officers recognise there was an undersupply last year, the Council still has time in which to deliver the required level of self-build housing in accordance with the requirements of the relevant legislation. This does therefore not present a justified reason to depart from the requirements of the Local Plan in reference to policies H1 and H15.

The impact on the Character and Appearance of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Local Plan 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 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 SPD sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

There have been objections from members of the public on grounds that the development would be out of keeping with the wider area. The Parish Council consider that the development would represent the unacceptable consolidation of the existing ribbon of development fronting The Valley which would be detrimental to the rural setting and openness of the village. They also consider that highways improvements to gain access to the site are likely to adversely affect the rural character of The Valley.

There have also been letters of support which state that the development would be in keeping with the character of the area and would enhance the village.

Under previous applications for residential use of the site, it was considered that the proposal would result in harm to the character and appearance of the area. The application site is located outside of the village envelope. As the highway turns the corner into The Valley, the housing gradually becomes more sporadic, leading to a single dwelling positioned away from the main highway. This part of The Valley has a rural character, with open countryside to the rear and opposite the site, with gaps either side of the application site. At the end of The Valley, the existing properties are well spaced, and have little impact on the rural character of this part of the open countryside. The application site is considered to represent an important element in retaining the rural appearance of the locality. This open nature and character of the undeveloped site is considered to make a positive contribution to the rural character of the area. Developing the land would erode the open nature of the wider area and result in harm to the rural character of this part of The Valley. It would provide a more continuous row of built form than the existing arrangement and result in a more suburban appearance to this frontage, which would detract from, and be harmful to the rural character of the area.

The agent contends that the reduction from two properties to one dwelling in comparison to the previous scheme means that the development has a reduced impact on the landscape, stating that the proposal vastly reduces the intervention with The Valley in terms of parking and turning, allowing existing

vegetation to be retained. However, the proposed dwelling fills the width of the plot, creating an entirely built up frontage along the length of the site. It is therefore concluded that the development would lead to a more suburban character. Whilst it is noted that vegetation can be retained and even increased, this does not mitigate the harm which the development would cause to the character of the area.

The agent refers to the Third Edition of the Guidelines for Landscape and Visual Impact Assessment (GLVIA3), stating that the site is not out of the ordinary in terms of its landscape quality (condition), scenic quality, rarity, representativeness, conservation interest, recreation value, perceptual aspects and associations, and thus is not a valued landscape which requires protection in accordance with the NPPF. However, as noted by the WCC Landscape Officer, while the guidelines the agent refers to covers a range of factors that can help in the identification of valued landscapes, the list is not intended to be fully comprehensive and other factors may be considered important in specific areas.

These conclusions are supported by WCC Landscape, who have objected to the proposal, stating that currently the application site helps to retain the rural appearance of the area. They consider that developing the site would create a more continuous row of built form than the existing arrangement and provide a more suburban appearance to this frontage, which would detract from and be harmful to the rural character of the area.

The application site falls within the Dunsmore Plateau Fringe local landscape type. The Warwickshire Landscapes Guidelines SPG for Dunsmore references the importance of retaining, and where necessary restoring, a fringe of smaller fields and trees around the edge of the settlement. This guideline is applicable to the smaller pockets of farmland on the southern edge of this settlement. The proximity of the built development to the field boundary is reflected in the break now shown in the proposed hedgerow along the south eastern boundary to accommodate the chimney within the gable end. There is also a lack of any screen planting along the northern boundary with the adjacent dwelling.

Whilst the proposed height has been reduced slightly in an attempt to make the property appear as a bungalow rather than a two storey dwelling, this still does not lead to an acceptable form of development for the reasons identified above.

In conclusion, the loss of the open nature of the site would be harmful to the rural character of the area and create a more suburban, built up frontage. The development is therefore considered to be contrary to the NPPF and Local Plan Policy BE1 and the Warwickshire Landscape Guidelines SPG.

The impact on the living conditions of nearby dwellings and living conditions for the future occupiers of the site

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 to ensure that development does not cause material harm to the living conditions of neighbouring occupiers by reason of loss of privacy, daylight, or outlook. The Residential Design Guide SPD provides a framework for Policy BE3, which stipulates the minimum

requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

Impact on living conditions of nearby dwellings

Leigh Foss is positioned to the north west of the application site and is a bungalow which is set back from the main highway. The proposed dwelling would be at least 45 metres away from this neighbour at the closest point and there would be no conflict with the Council's adopted 45 degree guidance as a result of the proposed development. There are no proposed first floor windows which would cause overlooking or loss of privacy facing towards this neighbour's property.

Tinker's Close is positioned to the east of the application site. There may be a conflict with the Council's adopted 45 degree guidance from the front facing windows towards the proposed dwelling, however, as this would be over 20 metres from the neighbour, the impact is not considered to be sufficient as to warrant a reason for refusal of the application. As the proposed dwelling would not be positioned directly in front of this neighbour's property, the Council's distance separation guidance does not apply in this instance.

It is concluded that the proposed development would not result in material harm to neighbouring residential amenity.

Living conditions for the future occupiers

The proposed dwelling would provide adequate light, privacy and outlook to all habitable rooms. The proposed dwellings would also meet the Council's minimum size requirements in terms of the private amenity space provided.

The proposal is overall considered to be acceptable in terms of amenity in accordance with Local Plan Policy BE3 and the SPD.

Car Parking and Highway Safety

There have been a number of objections from members of the public, Local Councillors and from the Parish Council that the proposed vehicular access along a single track lane and associated increase in traffic would pose a danger to pedestrian and highway safety, and they have concerns that refuse and emergency vehicles cannot turn around or access the site. Supporters of the development consider that the proposal include parking areas, so the development will not increase on street parking.

The Highway Authority note that they were consulted on the previous planning application for the erection of two dwellings at the above site. They had no objection to this proposal on highway safety grounds and noted that the proposed drawings illustrated that The Valley will be widened within the vicinity of the application site, to enable two vehicles to pass each other along the carriageway and within the vehicular access. Sufficient parking has been proposed and the width available for vehicles to manoeuvre into/out of the car parking spaces is also considered to be acceptable. The Highways Authority

consider that it is unlikely that the development proposals will have a detrimental impact on highway safety, or have a detrimental impact on the operation or capacity of the local highway network.

The proposed development would be for one dwelling, with lower traffic generation. The Highways Authority therefore have no objection to the proposed development, subject to a condition requiring that the parking and turning areas for the dwelling are provided prior to occupation.

A member of the public suggests that a Lewis Road vehicle navigation system and road improvements would be beneficial to Radford Semele in terms of aiding traffic congestion. However, it would not be appropriate to address wider highway congestion issues under this planning application.

The development is considered to be in accordance with Local Plan Policies TR1 and TR3.

Drainage and Flood Risk

The application site lies within Flood Zone 1, however, there have been a significant number of objections from members of the public and the Parish Council who express concern about the increased risk of flooding. They state that The Valley is prone to flash flooding (providing extensive photographs to evidence this). Therefore, Officers consulted the WCC Local Lead Flood Authority (LLFA) for further guidance (as was carried out with the previous submissions).

A Flood Risk Assessment has been provided as part of the application, however, the LLFA raised concern regarding the proposed location of the tank and associated issues with maintenance and access. The tank has been relocated and the agent has provided additional information which states that the tank is proposed in order to provide attenuation of peak flows. The agent states that this would result in a betterment on the currently unattenuated/ uncontrolled surface water flows from the site to the watercourse along The Valley. The agent agrees to the inclusion of a condition for a management plan for safe access and egress from the site.

These details have been sent to WCC LLFA for consideration and Councillors will be updated on this matter prior to the meeting.

Ecological Impact

The Parish Council and members of the public have raised concerns regarding the impact which the proposed development would have on protected species.

A Preliminary Ecological Appraisal was provided as part of this submission which has been assessed by WCC Ecology. They recommend that a condition is attached which requires the provision of a Construction Environmental Management Plan to ensure that protected species are not harmed by the development. They also recommend a condition to secure the provision of an ecological and landscaping plan to ensure a biodiversity gain in accordance with the NPPF, and a condition to secure the provision of a lighting scheme.

If the application were being approved, these conditions are considered to be reasonable and could be attached. The development is therefore considered to be in accordance with the NPPF and Local Plan Policy NE2.

Waste

Adequate waste storage can be accommodated within the site boundaries and Waste Management have no objection to the proposed development.

As with the previous applications, a number of public comments have indicated that there are no refuse and recycling facilities along The Valley, presumably because the refuse vehicle is unable to safely access these properties. However, the Highways Authority have raised no concerns regarding this matter from a highway safety point of view (whereas previously they had concerns regarding this matter). Also, it should be taken into account that there are already existing residential properties along The Valley which produce waste and that Tinkers Close is further along The Valley. On balance, owing to a lack of concern expressed by the Highways Authority and the fact that there are existing residential properties along the same section of road, it is not considered that it would be reasonable to refuse the application based purely on the waste collection arrangements.

Other Matters

Conditions to ensure compliance with Policy FW3 (water efficiency) and Policy NE5 and the Council's Low Emissions Strategy (electric charging points) would be added in the event that planning permission was being recommended for approval.

There have been objections from members of the public in relation to the disruption that the development will cause during the construction phase. However, this would only be a temporary period and is unlikely to significantly impact neighbouring residential amenity to an extent which would warrant reason for refusal of the application.

Supporters of the proposals consider that the development would save the Council money in terms of: income from rates, contribution to housing delivery, eliminating risk of fly tipping, eliminating risk of trespassing and unauthorized residency.

Objectors to the development state that contrary to the neighbour support letters, there has been no fly tipping on the site.

The applicant proposes that there will be a number of benefits to the scheme, including the delivery of a range of sustainability objectives. However, owing to the small nature of the benefits associated with the construction of just one dwelling and fact that the Council can demonstrate a 6.37 housing land supply these benefits are not considered to outweigh the harm caused which is identified above.

WCC Fire and Rescue are expected prior to the committee meeting and Councillors will be updated on this matter.

CONCLUSION

The proposed development is not considered to be in a location identified by Local Plan Policy H1 as suitable for housing and is not acceptable in principle. The proposed development is also considered to be harmful to the rural character and appearance of the area and contrary to Local Plan Policy BE1. The development is therefore recommended for refusal.

REFUSAL REASONS

- 1 Policy H1 of the Warwick District Local Plan 2011-2029 sets out a settlement hierarchy for the location of new housing to encourage sustainable patterns of development. Under Policy H1 housing sites have been identified and allocated. In the open countryside, Policy H1 directs new housing to sites adjacent to the boundary of an urban area or to any of the identified 'Growth Villages' or other named villages suitable for limited infill.

The application site is not within any of the above sites and no evidence of local need has been submitted with the application.

The development is therefore considered to constitute an unsustainable form of development contrary to the aforementioned policy.

- 2 Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. New development will be expected to harmonise with or enhance the existing settlement, and relate well to local topography and landscape features. The Council has also adopted The Warwickshire Landscape Guidelines as Supplementary Planning Guidance (SPG)

The application site is considered to make a positive contribution to the open and rural character and appearance of the area.

In the opinion of the Local Planning Authority, the proposed development would provide a more continuous row of built form than the existing arrangement and would result in a more suburban appearance to this frontage, which would detract from, and be harmful to the rural character of the area through the loss of the open nature of the site.

The development is thereby considered to be contrary to the aforementioned policy and SPG.
