

Planning Committee Wednesday 30 March 2022

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Wednesday 30 March 2022, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

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

Councillor M Ashford

Councillor R Dickson

Councillor O Jacques

Councillor J Kennedy

Councillor V Leigh-Hunt

Councillor C Quinney

Councillor N Tangri

Councillor J Tracey

Whitnash Residents Association Vacancy

Emergency Procedure

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

Agenda Part A – General

1. Apologies & Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

Part B – Planning Applications

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

4. **W/21/0527 – Four Brothers Farm, Five Ways Road, Shrewley** (Pages 1 to 11)
5. **W/21/0802 – Land North of Bakers Lane, Knowle** (Pages 1 to 12)
6. **W/21/1084 – Southfields, 57 Lillington Road, Royal Leamington Spa** (Pages 1 to 13)

Part C – Other matters

7. **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 the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting remotely by joining the remote meeting through their personal device on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at [Speaking at Planning Committee](#) any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

Published Tuesday 22 March 2022

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

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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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456114

Planning Committee: 30 March 2022

Item Number: 4

Application No: [W 21 / 0527](#)

Town/Parish Council: Shrewley
Case Officer: Dan Charles

Registration Date: 22/03/21
Expiry Date: 17/05/21

01926 456527 dan.charles@warwickdc.gov.uk

Four Brothers Farm, Five Ways Road, Shrewley, Warwick, CV35 7JB

Demolition of agricultural building and erection of 2no. dwellinghouses as an alternative scheme to extant permission under Class Q Prior Approval (ref: W/19/1373) for the conversion of the agricultural building to 3no. dwellinghouses FOR Mr. Burton

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal is for the demolition of the existing agricultural building and the erection of 2 dwellinghouses with associated works.

The existing barn on the site has an extant permission under a Class Q Prior Approval for the conversion of the building to three dwellings. This proposal would supersede that with the demolition of the barn and the erection of a new building providing two dwellings.

The proposed dwellings are designed to be attached as a single structure on the site. The primary dwelling would be a modern two storey design under a low-pitched roof. The secondary dwelling would be linked by a flat roof glazed link with the design ethos of the main dwelling recreated on a smaller scale to that of the primary dwelling. The two dwellings would have an overall footprint of 460 square metres compared to the existing barn floorspace of 506 square metres.

In terms of scale, the height of main two storey element would have a height to eaves of approximately 5.2 metres with an overall ridge height of 7.2 metres. The secondary dwelling would be marginally lower with an eaves height of 5m and overall ridge height of 6.8m.

During the course of the application, the siting and design of the dwellings has been amended from two detached buildings to a single combined building. As a result of the amalgamation, the scale of the proposed garden area has been reduced to provide a more appropriate form of development.

THE SITE AND ITS LOCATION

Four Brothers Farm is an agricultural holding extending to approximately 8.5 hectares and the land holding is an approximate 'L' shape. The current use of the land is for the grazing of sheep. The primary access is gained from Five Ways Road via an existing secure gated access.

The application site lies in an isolated rural location. The existing building is set back behind the long access drive from Five Ways Road. The existing building is a typical, modern portal framed building. The remaining site area is surrounded by a combination of trees and hedgerows. Within the site the land is primarily laid to hardstanding.

There are no near neighbours to the site that would be affected by the development.

The site lies within an open countryside location and falls within the West Midlands Green Belt.

PLANNING HISTORY

W/20/0594: Full application for the erection of agricultural building – Granted 24.07.2020

W/19/1373: Prior Approval under Part 3, Class Q(a) and (b) for the change of use of existing agricultural building to 3no. dwellinghouses including all ancillary works – Granted 07.10.2019

W/19/0411: Application for Lawful Development Certificate to convert agricultural building to 3 No. dwellings as proposed under application W/18/2177 – Refused 26.04.2019

W/18/2177: Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to 3no. Dwelling Houses (Use Class C3) together with associated works to facilitate the conversion – Refused 11.02.2019

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS1 - Supporting Prosperity
- DS5 - Presumption in Favour of Sustainable Development
- DS18 - Green Belt
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H13 - Replacement Dwellings in the Open Countryside
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice

- TR3 - Parking
- CC1 - Planning for Climate Change Adaptation
- FW3 - Water Conservation
- NE1 - Green Infrastructure
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Distance Separation (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Shrewley Parish Council: Objection - Previous Class Q maintained the character of the building. This application is for a new build on a different site. The NPPF states that new buildings are inappropriate development in the Green Belt which should not be approved except under very special circumstances. As there are no very special circumstances, this application should be refused.

Comments on Revised Scheme: Under the original prior approval under Class Q for a change of use of the existing agricultural building, we would have 3 affordable dwellings which could serve as homes for 3 families with design appropriate for the agricultural building they would replace. The new replacement building is for one large dwelling with an attached lodge/annex with no obvious design link to the original agricultural barn.

WDC Environmental Health: No objection, subject to Low Emission Strategy condition.

WDC Arboricultural Officer: Original scheme showed loss of trees. Recommend Arboricultural Method Statement secured by condition.

WCC Landscape: Object to loss of trees for new access and retention of concrete base of existing building.

WCC Ecology: Recommend Preliminary Ecological Appraisal. Works affecting trees needs to be assessed.

WDC Waste Management: No objection.

ASSESSMENT

Principle of Development

Policy H13 of the Local Plan allows for the replacement of a dwelling in the open countryside where the replacement dwelling is not materially larger than the existing dwelling and has no greater impact on the character and openness of the rural area.

The extant permission allows the conversion of the existing barn to create three dwellings and this fallback position is attributed significant weight. The current proposal is for a replacement building to provide two attached dwellings in lieu of the approved conversion scheme for 3 units.

Subject to an assessment of the site-specific matters, the provision of two dwellings in lieu of the extant 3 dwelling permission is therefore considered acceptable in principle having regard to Policy H13.

Whether the proposal constitutes appropriate development in the Green Belt

As the application site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states that development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. Paragraph 145 states that a replacement building within the same use is appropriate where it is not materially larger than the one it replaces.

The proposed dwellings are on a reduced footprint compared to the existing building they replace and whilst the overall floorspace is larger due to the two-storey nature of the proposed buildings, the overall volume of the buildings is lower than the building they are proposed to replace.

In overall dimensions of footprint and volume, the buildings are comparable. I am satisfied that the proposed dwellings would have no material impact on the visual or spatial dimensions of openness of the Green Belt compared to the existing barn with its extant permission for the dwellings.

Notwithstanding the above, the site will also benefit from the clearance of the existing hardstanding areas and the restoration of the land to grassland and planting. This will result in a significant visual enhancement of the site which will enhance the rural character of the site.

The proposal is therefore considered appropriate development within the Green Belt.

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

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

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

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

The proposed dwellings are to be located to the rear of the site which benefits from significant natural screening from mature hedgerows and tree planting which affords high levels of screening from the public domain.

Notwithstanding this lack of visibility, the dwelling has been designed to be of a contemporary design which reflects the characteristics and form of a rural building whilst providing a high level of design quality to create bespoke dwellings that respect the rural setting. The use of a combination of high-quality materials that are akin to those used on agricultural buildings will ensure that the dwellings provide a high-quality addition to the rural setting of the site that respects the site's character and previous use of the site.

The dwellings will benefit from a modest curtilage to reflect the modest curtilage as imposed by the restrictions on the Class Q conversion scheme. In addition, as is a requirement of the Class Q regulations, the removal of Permitted Development Rights is also proposed to be secured by condition. This will ensure that the residential use of the site is limited to prevent a sprawl of domestic paraphernalia in the open countryside and Green Belt.

As part of the scheme, the remaining site area is to be returned to meadowland and planting with wildflowers. Existing hedgerows are to be infilled where gaps exist, and the site will be restored to its former open, rural character.

Overall, I am satisfied that the development will have a significantly positive impact on the character and amenity of the local area and open countryside. The scheme is therefore considered acceptable having regard to Policy BE1 of the Local Plan

Impact on adjacent properties

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

There are no nearby neighbours that would be affected by the development.

I therefore consider that the proposal is acceptable having regard to Policy BE3.

Amenity of future occupiers

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted which does not provide acceptable standards of amenity for future occupiers of a development.

All habitable rooms have adequate space and are all served by windows affording high levels of outlook and light to the rooms.

The proposal is for two dwellings and the design has been carefully considered to prevent any direct overlooking or facing windows.

I therefore consider that the proposal is acceptable having regard to Policy BE3.

Parking and Highway Safety

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

The proposal benefits from a good quality access that allows two vehicles to pass without being required to stop in the public highway. Visibility at the access is well in excess of the requirements for a 50mph road.

Within the site, there is sufficient space to allow vehicles to enter, park, manoeuvre and leave in a forward gear.

I therefore consider that the proposal is acceptable having regard to Policy TR1 and TR3.

Impact on Ecology/Protected Species

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

The County Ecologist recommended a preliminary ecological appraisal of the site be submitted to assess the impact on protected species. Since this point, the scheme has been revised to locate the dwelling in a location on the existing site hardstanding area where there is no impact on ecological features. In addition, the site is now set well away from all existing trees and hedgerows on the site and there is no loss of ecological features on the site as a result of the development.

The overall site area will be significantly improved with grassland planting compared to the large areas of hardstanding currently located within the site. Officers are therefore satisfied that the development will result in a biodiversity gain across the site.

The existing building to be demolished is a modern, portal frame steel building with limited potential for protected species. I am satisfied that a condition requiring an inspection of the building prior to demolition by a suitably qualified ecologist is adequate in this case.

Removal of vegetation is kept to a minimum and all existing trees/hedgerows to be retained. It is appropriate to protect all the trees and hedgerows on the site through the use of suitable tree protection measures. This can be secured by condition.

The proposals for habitat enhancements for the site should result in a biodiversity gain and of benefit for a range of species if implemented successfully. Further details can be provided in a Landscape and Ecological Management Plan which can form a condition to any approval granted.

I therefore consider that subject to the imposition of the requested conditions and notes, the proposal is acceptable having regard to Policy NE3.

Waste Storage

The site contains adequate space for the storage of bins. The bins will be presented to the roadside for collection as part of the standard waste collection service operated by the Council.

Adapting to Climate Change/Air Quality Mitigation

Policy CC1 seeks all new development to be resilient to and adapt to the future impacts of climate change through the inclusion of measures to mitigate against rising temperatures and increased flood risk through sustainable construction measures and the incorporation of sustainable drainage methods.

The significant benefit of providing new dwellings on the site compared to converting the modern, steel framed barn is that the development would result in significantly improved dwellings in terms of sustainable construction methods. To secure the most sustainable form of construction, a condition is proposed to secure a suite of sustainable construction and sustainable energy measures to be secured for the proposed dwellings.

Officers therefore consider that the proposal accords with Policy CC1.

As the proposal relates to a new dwelling, the standard Low Emission Strategy condition is also proposed to ensure compliance with Policy NE5 and the Air Quality SPD.

Compliance with Policy FW3 in terms of water efficiency is to be secured by condition.

Conclusion

The proposal relates to the demolition of a barn with an extant residential consent for three dwellings and the erection of a single building consisting of two attached dwellinghouses of a similar size and scale to the existing building. In addition, the remaining site is to be turned into a wildflower meadow/grassland areas.

The proposed dwellings are considered acceptable in principle and is considered to be appropriate development within the Green Belt. Site specific matters can be controlled by condition, and I therefore consider the scheme is acceptable.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 044(08)01 Rev X, 044(08)02 Rev X, 044(08)04 Rev X, 044(08)06 Rev X and 044(08)07 Rev X and specification contained therein, submitted on 11 November 2021. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby permitted (including ground clearance works) shall not commence until a Protected Species Method Statement for bats, reptiles, amphibians and nesting birds (to include timing of works, supervision of vegetation clearance and reasonable avoidance measures) has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks, with appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development.
- 4 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used, and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with NPPF.
- 5 Notwithstanding details contained within the approved documents, prior to commencement of development other than site clearance, preparation works, or demolition works, a Sustainability Statement including a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include.

 - a) How the development will reduce carbon emissions and utilise renewable energy;
 - b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and

materials and natural ventilation methods to mitigate against rising temperatures.

c) Details of the building envelope (including U/R values and air tightness).

d) How the proposed materials respond in terms of embodied carbon.

e) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

No dwelling shall be first occupied until the works within the approved scheme have been completed 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 in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

6 No development other than site preparation, site clearance or works of demolition shall commence unless and until details of surface and foul water drainage works have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

7 The dwellings hereby permitted shall not be occupied unless and until the existing agricultural building has been demolished and the concrete base removed. Thereafter the area shall be planted in accordance with the approved plans within the first planting season following the first occupation of the dwelling. **Reason:** To define the terms of the planning permission and in the interest of visual amenity and openness of the Green Belt in accordance with Policies BE1 and DS18 of the Warwick District Local Plan 2011-2029.

8 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been put in place to include the erection of stout protective fencing in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered, or any excavation take place without the prior consent in writing of the LPA. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

9 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.

10 No development above slab level shall 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 all boundary treatments, including full details of the proposed boundary fencing; 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. Details of soft landscaping shall include details of all new tree species; details of the species to be used for gapping up the hedgerow; details of wildflower mix; and details of the proposed planting for the garden area of the dwelling.

The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

REASON: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

11 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 the dwellinghouses hereby permitted without first seeking permission from the Local Planning Authority. **REASON:** The dwellings are justified as a replacement for the extant permission on the site for the proposed barn conversion which is subject to restrictions on future development. It is considered appropriate to restrict Permitted Development Rights to ensure that the proposal remains proportionate to the barn it replaces in the interests of visual amenity and openness of the Green Belt having regard to Policies BE1, BE3 and DS18 of the Warwick District Local Plan 2011-2029.

- 12 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.
- 13 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.
- 14 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.
- 15 The development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **REASON:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
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Planning Committee: 30 March 2022

Item Number: 5

Application No: [W 21 / 0802](#)

Town/Parish Council: Lapworth

Case Officer:

Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 19/06/21

Expiry Date: 14/08/21

Land north of Bakers Lane, Knowle, Solihull, B93 8PT

Construction of new canalside moorings at Helmsley Court Farm, Bakers Lane, Knowle with associated access and parking arrangements for the provision of car parking (part-retrospective application) FOR Mr Flaherty

The application is being present to Planning Committee due to objections from Lapworth Parish Council and Chadwick End Parish Council and the number of objections received from members of the public.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks retrospective planning permission for the construction of new canal side moorings at Helmsley Court Farm, Bakers Lane.

The proposal includes the construction of new canalside moorings with associated access and parking arrangements for the provision of 6 car parking spaces.

The applicant has confirmed that the moorings would not be for residential purposes and that there would be no overnight occupation of any boats moored at the site. Effectively, the site serves as a storage facility, primarily for over-wintering of canal boats.

For the avoidance of doubt, the application differs from that granted in 2010 by way of the location of the moorings (approximately 34 metres further south from the existing canal bridge), a slight extension in the length of the proposed moorings (approximately 6 metres) and revised access and parking arrangements. Works associated with the current application have been carried out since the granting of permission since 2010 and as such the application is considered to be retrospective.

The wider application site has planning permission for a forestry business.

THE SITE AND ITS LOCATION

The application site contains a parcel of land located to the north side of Bakers Lane, fronting onto the Grand Union Canal. Vehicular access is provided to the

south off Bakers Lane, with pedestrian access provided across the existing canal bridge via a footpath link.

The application site is located within land designated as Green Belt, located between Knowle and Chadwick End.

PLANNING HISTORY

W/10/0135: Construction of new canal side moorings and spreading of spoil onto adjoining land. Granted at Planning Committee 26th April 2011.

W/19/1831: Application for a Certificate of Lawfulness to confirm that a lawful material commencement has been made on the development subject of planning permission reference W/10/0135 (*Construction of new canal side moorings and spreading of spoil onto adjoining land*) in compliance with Condition 1 and all other pre-commencement conditions were discharged. Granted.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS18 - Green Belt
- BE3 - Amenity
- TR1 - Access and Choice
- BE1 - Layout and Design
- TR2 - Traffic generation
- TR3 - Parking
- FW2 - Sustainable Urban Drainage
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: Objection in respect of the impact on the Green Belt and breach of previous planning permission.

Chadwick End Parish Council: Objection in respect of the principle of development, impact on the Green Belt and car parking provision and management.

Canal and River Trust: No objection, subject to a condition relating to a landscaping plan including planting, an external lighting scheme and arrangements for waste disposal. No navigational safety concerns.

WCC Highways: No objection, subject to conditions.

WCC Ecology: No objection, subject to conditions securing a Construction Environmental Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP).

Health & Community Protection: No objection.

CPRE: Objection on grounds of inappropriate development in the Green Belt, harm to rural character of the area, harm to amenity of local residents, together with concerns over lack of objections from Highways Authority and Environmental Health Officer.

Public Response: 37 objections received raising the following concerns:

- additional traffic flow on rural lane; impact on highway and pedestrian safety; potholes will be worsened; the number of vehicles accessing the site will not be managed; nearby roads cannot cope with additional traffic
- inadequate parking for the number of moorings
- loss of outlook
- loss of habitat and hedgerow and detrimental impact on protected species
- impact on flood risk
- incorrect information submitted relating to the access to the site
- detrimental impact on the openness of the Green Belt
- original works to the site were never completed and the site is an eyesore / out of keeping with its setting
- detrimental impact on neighbouring properties in terms of additional noise and disturbance
- boats are being permanently moored outside
- buildings have been constructed on site
- construction works could impact on structure of nearby properties
- lack of information regarding waste disposal
- illegal moorings on the site
- piling of spoil adjacent to and over the public footpath has caused flooding
- insufficient information provided to assess the application
- littering
- impact on trees

1 Neutral: Why does the council permit organisations like IMA Transport Planning to publish misleading information in support of planning applications? The recent report on the parking facility off Bakers Lane claims that the entrance is 220 metres from the Bakers Lane canal bridge. This is a massive overstatement (ten fold?). I have no particular interest in the marina development, but I am concerned about the efficiency of Warwick District Council's planning system.

ASSESSMENT

The following matters are considered relevant to the assessment of the application:

- Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would

outweigh the harm by reason of inappropriateness and any other harm identified

- Design and impact on Character and Appearance of the Area
- Impact on Residential Amenity
- Parking and Highway Safety
- Landscape and Ecology
- Drainage
- Waste
- Other Matters

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

Lapworth Parish Council, Chadwick End Parish Council, the CPRE and members of the public have objected to the proposal in respect of the principle of development, and impacts on the Green Belt. Concern is expressed regarding the cumulative impacts of the scheme and other development within the wider site on the Green Belt.

Since approval of the original moorings application in 2010, there has been a change in national and local plan policies regarding development within the Green Belt.

Policy DS18 of the local plan states that the Council will apply Green Belt policy in accordance with government guidance as set out in national policy.

Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence. Inappropriate development within the Green Belt is harmful by definition, and should not be approved unless very special circumstances exist.

Paragraph 150 includes a list of types of development which are considered to be appropriate within the Green Belt, including engineering operations, providing that they preserve its openness and do not conflict with the purposes of including land within it. This development constitutes an engineering operation as there are no buildings to be erected as part of the proposal.

The development itself would not harm the Green Belt, given that it relates to the excavation of land i.e. the development does not visually reduce openness. However, it is noted that the excavated material has been deposited next to the application site (on other land owned by the applicant) in order to facilitate the development. Under the previous application for the moorings, a condition was implemented for details of the retention and restitution of the top soil over the area of spoil deposit. Whilst details were provided, the restitution is yet to take place, so a condition must be imposed for further details on this matter and to ensure that this is completed in a timely manner. This will ensure that the openness of the Green Belt is retained. At present, the soil deposits have been formed in large mounds, which somewhat impacts on openness.

The car parking would now be located within the site boundary, rather than offsite. Given that the development is to serve as an over-wintering facility for the storage

of canal boats, it is unlikely to attract significant volumes of traffic. Moreover, the proposed parking area is already identified as a parking area associated with the existing forestry business within the wider site, therefore there would be no additional parking areas created. It is also nearby to an existing forestry building, which consolidates associated impacts on the Green Belt to one part of the wider site.

With the above considerations in mind, it is concluded that the development represents an engineering operation, which would preserve the openness of the Green Belt (subject to conditions), and it would also not conflict with any of the purposes of including the land within it, given the nature of development and its location.

It should also be noted that the boats which would be moored at the site could be broadly considered as appropriate development under para. 149 of the NPPF, as facilities associated with outdoor recreation.

Moreover, a certificate of lawfulness application confirmed that the moorings planning permission, W/10/0135, had been lawfully implemented, which is a material consideration. There are only modest differences between that permission and the current application, none of which are considered to have a material impact on openness in comparison to the previous application.

In reference to comments regarding the cumulative impacts of existing development on the area, this is not directly relevant to the assessment of this application; Officers consider that the proposal represents appropriate development within the Green Belt, thus it is not necessary to consider the wider cumulative impacts in terms of the impact of the development on the Green Belt. Other previous applications have also been judged on their acceptability in terms of appropriateness in the Green Belt.

Overall, therefore, the development is considered to be acceptable in principle and in accordance with the NPPF and Policy DS18 of the Local Plan.

Design and impact on Character and Appearance of the Area

Policy BE1 of the Warwick District Local Plan seeks to ensure development proposals are of a high quality and contribute positively to the character of the local area.

The CPRE and neighbours have objected to the proposal on the basis that because the moorings have been relocated, they are more visible within the wider landscape, thus having a harmful impact on landscape character.

In respect of the application, much of the visual impact relates to the existing area of spoil in relation to works associated with the scheme. This is to be dispersed over the neighbouring site in a more appropriate manner. A condition for a landscaping scheme would ensure that the proposal is dealt with appropriately.

The proposed scheme overall, subject to associated conditions for landscaping and planting, is considered to be appropriate in design for the proposed use. The proposal associated with this site does not consist of any additional buildings that would infringe on the open character of the site and surrounding local area. As such, the impact of the proposal is considered to be acceptable on the character of the local area, subject to conditions which control the wider landscaping of the site.

In regard to the proposed car parking area, this is to be an informal parking area and therefore, visually, is considered to have a minimal and acceptable impact on the character of the local area. It is also noted that this was the area marked out for the car parking associated with the forestry business, so there would be no visual changes as a result of locating the proposed parking area in this position.

The proposals therefore, subject to conditions, are considered to be in accordance with the principles of Policy BE1 of the Local Plan.

Impact on Residential Amenity

Policy BE3 of the Warwick District Local Plan seeks to ensure development proposals do not result in an adverse impact on the amenity of neighbouring residential dwellings or significantly impact the amenity of existing and future occupiers of the development site.

The CPRE and neighbours have raised concerns regarding the impact of the development on neighbouring amenity. Members of the public raise concerns regarding loss of outlook and light pollution.

In respect of the development, it is acknowledged that the proposals will add a further use to the wider use of the site as a forestry business, though it is important that this application should be considered on its own merits. The Environmental Health Officer has been consulted on the proposals and has raised no objection in respect of an increase in noise or air quality issues as a result of the proposed development.

As such, it is considered that the proposed development, in respect of noise and air pollution, would not adversely impact users of surrounding facilities. Moreover, as the development does not include the erection of any buildings, it also would not materially impact on light, privacy or outlook, notably when considering the implemented permission for the previous moorings application.

Overall, therefore, the proposed development is considered to comply with Policy BE3 of the Local Plan.

Parking and Highway Safety

Policies TR1 and TR2 seek to ensure development proposals provide safe, suitable and attractive access routes for pedestrians, cyclists and other users of motor vehicles. These policies also seek to ensure proposals do not result in an increase in traffic generation that would result in highway safety concerns. Policy TR3 of the Warwick Local Plan seeks to ensure parking provision associated with development proposals is reflective of the local area, and is in accordance with the Parking Standards SPD.

The Parish Council have raised concerns regarding car parking provision and management. Members of the public raise concerns regarding additional traffic flow on rural lanes which cannot cope with the demands; impacts of the development on highway and pedestrian safety; that potholes will be worsened; that the number of vehicles accessing the site will not be managed; and, that there is inadequate parking for the number of moorings.

With regard to the proposed access and parking arrangements, differing from the scheme approved in 2010, the proposal subject of this application seeks to provide

allocated, informal parking arrangements, rather than relying on third party provision within the wider network (previously located entirely within The Black Boy public house car park).

WCC Highways requested information regarding the extent to which the development would intensify the use of the access with the public highway. The applicant has confirmed that:

- All access to the site will be securely limited by way of a security fob or similar security arrangement such as to prohibit unauthorised access other than by those legitimately attending the mooring or in connection with the forestry business.
- The car park will be linked to the moorings by a pedestrian foot path only and it will not be possible to deliver boats to the moorings by road.

WCC Highways have assessed the proposals and note that the access to the site is existing and that incidence of personal injury collisions involving the use of the access or the public highway in the vicinity of the access is not apparent from records since 1990. Data also shows low car speeds along this section of Bakers Lane.

They conclude that whilst the proposal is likely to somewhat intensify the use of the access, the limited on-site parking provision and associated car park management, means that the intensification in use would not be to an extent that would lead to a severe and unacceptable detriment to highway safety. The Highways Authority also note Officers' decision to limit the occupation of the boats at the site in reaching their conclusions on the proposal.

In terms of the level of parking provision, the applicant initially proposed that 13 spaces for the moorings was appropriate. WCC Highways queried the basis for this level of parking, given that there are 20 moorings, and requested information on the trip generation to the site, parking space utilisation and turnover, and how the parking area would be managed.

The applicant provided a transport note which highlights that the moorings are specifically for non-residential use: that is the owners of the boats will not be using either the boat or the mooring as their primary residence. The note details that there is comparatively little information available on traffic generation of moorings, and that which features in TRICS relates to mooring sites with significantly more boats moored and with other facilities also present such as day boat hire, shop, chandlery, café and thus more likely to generate either visits from non-owners or extra visits by boat owners. There is virtually no formal data for mooring sites such as this, with 20 boats and no extra on-site facilities.

The transport note explains that economic data on the use of private leisure boats indicates that on average a boat owner will use the boat for holidays for 2-4 weeks of the year (during which their car will normally be at the moorings) and that they make up to 16 other visits to the boat to undertake small maintenance jobs – larger jobs require the boat to be taken by canal to a specialist marina or go on short day trips. Thus, a boat owner will typically be parked on site for between 30 and 44 days a year, or 9-12% of the time. Even allowing for the fact that these visits will be concentrated in the summer months the typical boat owner only has a vehicle at the mooring on one quarter of the available days, or to put it another

way, on average, even in summer, only 25% of boat owners are on site at any one time. This average would suggest the allocation of 5 spaces for 20 moorings is adequate.

Given that the site is located within the Green Belt and a large parking area to accommodate 13 spaces would materially impact on the Green Belt unnecessarily, the car parking area is now proposed to accommodate 5 spaces associated with the moorings and 1 space associated with the existing forestry business.

Swept path analysis have also been provided at the request of the Highways Authority to show that vehicles associated with the forestry business and the moorings will be able to leave the site in a forward gear.

Given the evidence available, WCC Highways have concluded that the proposed parking arrangements would be acceptable and sufficient for the purposes of the development. They have recommended conditions which require that the car parking management measures are implemented prior to occupation of the site and that the car park is laid out prior to occupation of the site.

It is therefore considered that the proposed development would have an acceptable impact on highway safety and that the development provides adequate parking at the site. The development is considered to be in accordance with Local Plan policies TR1, TR2 and TR3.

Landscape and Ecology

Policy NE2 of the Local Plan seeks to protect designated biodiversity assets and protected species, ensuring they are not adversely impacted by development proposals.

Members of the public have objected to the proposal on the basis of loss of habitat and hedgerow, and detrimental impact on protected species. Concern has also been raised regarding loss of trees at the site.

The County Ecologist has not objected to the application but has requested a Construction Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP) be secured by condition due to the context of the application site. These long term plans have also been proposed due to the retrospective nature of the scheme, of which it is noted that there is an existing large spoil pile dominating the site.

Given the context of the application site, it is considered imperative that any proposed scheme incorporate high quality landscaping and planting. A scheme is to be secured by condition to manage the spoil pile, as well as to include planting in order to ensure that the development does not have a negative impact on the character of the local area, or the openness of the Green Belt. It is also noted that the Canal and River Trust have requested a landscaping plan.

In terms of tree losses. Looking at historic Google Earth images, the majority of tree removal appears to be adjacent to the site, within the land allocated for the forestry business. There may have been some tree loss to the north of the site in order to facilitate the development, but it must be noted that these trees were not protected by a TPO, so could have been removed without permission in any event.

Overall therefore, subject to securing the conditions, the proposed development is considered to be in accordance with Policies NE2 and NE4 of the Local Plan.

Drainage

Policy FW2 of the Local Plan seeks to ensure development proposals provide suitable sustainable drainage methods.

It is acknowledged that there is an existing concern regarding the spoil pile causing surface water runoff associated with the scheme. It is considered appropriate that a condition securing the management of this pile, both in relation to drainage and landscaping, be secured to any planning permission. A management plan for this is considered to satisfy the requirements of Policy FW2 of the Local Plan.

The proposed development therefore, subject to relevant conditions, is considered to comply with Policy FW2 of the Local Plan.

Waste

Members of the public object on the grounds of a lack of information regarding waste disposal and increased littering.

The proposed development consists of non-residential moorings and as such it is unlikely that owners will generate any large levels of waste on site, with it expected that this be taken with them. Indeed the terms of using such a mooring will specify the need for individuals to behave responsibly in this regard. The fact that many of the moorings will be individually owned will help to police any such activity. It is therefore considered that overall, the proposal is unlikely to result in a significant increase in the generation of waste on site.

The Canal and River Trust suggested that a condition should be imposed to control how waste is stored and removed from the site. However, for the aforementioned reasons, it is not considered necessary for the purposes of the development.

Other Matters

A Councillor brought Officers' attention to Building Regulations requirements for new buildings, and access for the Fire Service to the site. However, Building Regulations requirements are not a material planning consideration and notwithstanding this, canal boats are not subject to the same Building Regulations requirements as new buildings.

The Parish Councils and members of the public have raised concerns regarding the developer being in breach of the previous planning permission for the moorings. This is not materially relevant to the assessment of this application, which seeks to regularise the site in any event.

The Canal and River Trust have requested a condition to secure the details of any lighting to be installed at the site, which has been added.

The CPRE raise concerns regarding land contamination from sewage and other chemical effluent. However, these concerns reference other development across the wider site, and Officers have no reason to believe that the storage of canal boats would lead to improper disposal of waste or chemicals. In any event, this is

something which would be monitored by the Canal and River Trust, who have not objected to the application.

Members of the public have raised concerns that boats are being permanently "illegally" moored outside. However, Officers did not see evidence of boats being moored within the application site boundary and this would be something which would be controlled by boat licences issued and monitored by the Canal and River Trust. Notwithstanding this, if boats were to be moored and used for residential accommodation within the application site, this would be in breach of condition and this would be for the Council's Planning Enforcement team to investigate.

Members of the public raise concerns regarding buildings which have been constructed at the site. Officers saw no evidence during the site visit that buildings had been constructed within the red line site boundary.

Members of the public state that construction works could impact on structure of nearby properties. However, this is not a material planning consideration. Notwithstanding this, it is also noted that the majority of the works have now been completed in any event.

Members of the public suggest that insufficient and inaccurate information has been provided to assess the application. Officers however disagree with this assertion and that the application has been appropriately assessed and additional information obtained where required.

Summary

The development is proposed as an over-wintering storage facility for canal boats, with no residential occupation of the boats. If the boats were to be used as residential accommodation, this would be contrary to Local Plan policy H1 which directs new housing. Moreover, the absence of an objection from WCC Highways is in part based on the boats not being used for residential accommodation. It is therefore necessary to add a condition which limits their use for the purposes of the development.

In conclusion, for the aforementioned reasons the development is considered to comply with relevant local and national policies and therefore the proposal is recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan submitted on 16th December 2021 and approved drawing(s) 26280D-5 and MANOEUVERING PLAN-U-TURN IN REV A. submitted on 26th April 2021 and drawing IMA-19-194 TR02 submitted on 16th February 2022 and the 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 further development than already commenced and recorded by the local planning authority or use of the site shall be carried out until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition, the local planning authority expect to see details concerning pre-commencement checks for protected species (*detail as appropriate, i.e. badgers, bats, breeding birds and otter*) and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction 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 the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.
- 3 No further development than already commenced and recorded by the local planning authority nor use of the site shall be carried out until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with NPPF and to ensure that the proposed development has an acceptable impact on the character and appearance of the locality, including the setting of the canal, in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 No further development nor use of the site shall be carried out until details of the arrangements for the retention and restitution of the top soil over the area of spoil deposit, including details of surface water drainage works have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON :** To protect the openness of the Green Belt and ensure that surface water drainage is adequately dealt with, in accordance with Policies DS18 and FW2 of the Local Plan.
- 5 The development hereby permitted shall not be brought into use unless and until the car parking and manoeuvring areas indicated on the approved drawing IMA-19-194 TR02 submitted on 16th February 2022, have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

- 6 The car park hereby permitted shall not be brought into use unless and until a car park access control and management system has been implemented to: (a) prohibit unauthorised access other than by those legitimately attending the mooring or in connection with the forestry business; (b) manage parking demand and (c) prohibit access by unsuitable vehicles, in accordance with details that shall have been submitted to agreed in writing by the Local Planning Authority. The development shall only be operated in strict accordance with the approved details. **Reason:** To ensure safe and controlled access to the site in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.
- 7 The car parking area hereby permitted shall not created unless and until samples of the 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.
- 8 No lighting or illumination shall be installed or operated unless and until details of such measures (including details of hours of operation) have been submitted to and approved in writing by the Local Planning Authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **Reason:** To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties and the canal in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 9 The boats moored in the facility hereby permitted shall not be occupied overnight and shall not be used for residential accommodation. **REASON :** To protect the character of the Green Belt and to ensure a sustainable form of development, in accordance with Policies DS18 and H1 of the Local Plan.
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Planning Committee: 30 March 2022

Item Number: 6

Application No: [W 21 / 1084](#)

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

Dan Charles
01926 456527 dan.charles@warwickdc.gov.uk

Registration Date: 11/06/21

Expiry Date: 06/08/21

Southfields, 57 Lillington Road, Leamington Spa, CV32 6NS

Proposed 8no. 1 bedroom apartments to be formed within the existing roof space with external alterations including dormer windows and solar panels (plus the reconfiguration of the existing accommodation at Southfields providing 38no. apartments (22 x 2 bed & 16 x 1 bed) units - which involves internal alterations only and is not development within the meaning of Section 55 of the Act), resulting in a total of 46no. apartments; alterations to existing car park layout; provision of external covered bicycle shelter; external alterations to include cladding and render and Juliet balconies. FOR La Cala Homes Ltd

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal is for the creation of 8 x one-bedroom apartments within the roof space at second floor level of the existing residential building. To facilitate the creation of the apartments, dormer windows are proposed within the existing roof slope to create adequate light and outlook for future occupiers. Internal alterations are also proposed to provide access to the new apartments (for which planning permission is not required). Externally, hard landscaping works are proposed to create additional parking to serve the new apartments.

THE SITE AND ITS LOCATION

Southfields is a substantial hexagonal shaped building with an internal courtyard area to the centre. It is two storey with a large, pitched roof affording some accommodation at second floor level.

The property sits within substantial grounds formed of car parking areas to the front and one side and landscaped gardens to the rear and opposite side. Within the site are a number of mature trees.

The most recent use of the site has been as sheltered accommodation with all apartments being self-contained and falling within the C3 use class. There is no planning restriction on the occupation of the units.

The site lies adjacent to the Royal Leamington Spa Conservation Area that abuts the north and eastern boundaries but is not within the Conservation Area.

PLANNING HISTORY

W/11/0854: Alteration to car parking, disabled access ramp and entrance to suit the provision of a new scooter storage facility – Granted 31.08.2011

W/05/1541: Display of non-illuminated sign, 1.43m by 0.85m adjacent to central pedestrian access off Lillington Road – Granted 25.11.2005

W/05/0767: Change of use from warden accommodation to staff offices – Granted 01.07.2005

W/79/0291: Erection of two storey block of 54 flats and one warden's house - Granted 01.05.1979.

W/78/0223: Erection of two storey block of 56 self-contained flats for elderly people (category 2) – Granted 08.06.1978.

W/77/1136: Residential development on a cleared site to provide category 2 sheltered housing accommodation for the elderly - Granted 21.12.1977

W/77/0830: Demolition of existing buildings and erection of an hotel – Granted 15.12.1977.

W/77/0829: Demolition of existing buildings and erection of 3 storey flats - Granted 16.01.1978.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS1 - Supporting Prosperity
- DS5 - Presumption in Favour of Sustainable Development
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- Guidance Documents

Reserved Matters permission was granted for the erection of a block of 54 flats and 1 warden's house under W/79/0291. Again, there were no restrictions on the occupation of the units by condition.

The distinction between C2 and C3 uses relates to the level of care provided. The definition of a use within Class C2 is a:

'Use for the provision of residential accommodation and care to people in need of care'.

'Care' means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder... (Article 2).

The key factor is the level of care provided to residents. The scheme as approved detailed each unit as being wholly self-contained with day to day living facilities such as kitchens and bathrooms together with lounge and bedroom areas provided in each unit of accommodation. Shared space was limited to a single lounge area. A warden's flat was also proposed as part of the development.

The development made no provision for 'personal care'. The concept of 'warden' is for provision of support to residents rather than for the purposes of 'personal care'.

The lack of care provision in the scheme is also compounded insofar as planning permission was granted in 2005 to convert the warden's accommodation to offices under planning permission ref: W/05/0767. This permission then omitted any potential on-site element of care provision in favour of offices.

The consideration in the 2005 application was about the location of a self-contained office away from the town centre rather than the need for care provision on-site and due to this location, the scheme was conditioned to be a personal permission to the applicants.

Having duly considered the planning history of the site, Officers are satisfied that for the purposes of planning, the units are classified as self-contained flats sitting squarely within Use Class C3.

The current proposal relates to the conversion of the second floor into 8 x one-bedroom flats facilitated by the erection of dormer windows within the existing roof plane. External works are also proposed within the grounds to provide additional parking spaces within the site.

The submitted drawings also indicate internal works to reconfigure the existing 54 1-bedroom units into 38no. 1- and 2-bedroom units. Members should note that the internal works to reconfigure the units does not constitute development for the purposes of planning as set out within Section 55 of the Town and Country Planning Act 1990. Section 55(2) of the Act states:

"The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(a) the carrying out for the maintenance, improvement or other alteration of any building of works which—

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building”

Therefore, these internal works cannot be assessed as part of this application and the assessment is solely based upon the provision of the 8 units at second floor level together with the external alterations and the formation of additional parking spaces.

Principle of Development

Policy RLS1 of the NDP states that proposals for new housing development within the Royal Leamington Spa Urban Area, will be supported for the following:

1. Re-use of previously developed land and buildings when not in conflict with other development plan policies.
2. Infill development that is of an appropriate scale and that does not lead to the loss of residential gardens (unless in accordance with Policy H1 of the Warwick District Local Plan), overdevelopment, or have a significant adverse impact on the amenity of adjacent existing occupiers and uses.
3. Proposals for custom and self-build housing provision that are acceptable when assessed against Warwick District Local Plan Policy H15.
4. Proposals for purpose-built student accommodation when positively assessed against all related development plan requirements and guidance.

The application site lies within the urban boundary of Royal Leamington Spa.

Policy H1 of the Local Plan sets out a hierarchy of locations where new housing is acceptable. Development located within the urban boundary of Royal Leamington Spa is identified as highly sustainable and is therefore appropriate for new residential development as defined by Policy H1.

Officers therefore consider that the development is acceptable in principle having regard to Policy H1 of the Local Plan and Policy RLS1 of the Neighbourhood Plan.

Design and impact on visual amenity and the character of surrounding area and adjacent Conservation Area.

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

Policy BE1 of the Local Plan reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the

appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Policy RLS3 states that development proposals that are within or directly affect a conservation area must assess and address their impact on their heritage significance.

Warwick District Local Plan Policy HE1 (Protection of Heritage Assets) states development will be expected to respect the setting of conservation areas and important views both in and out of them.

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.

The site is flanked on two sides (the eastern and northern boundaries) by the Royal Leamington Spa Conservation Area. No part of the site falls within the boundary of the conservation area.

The proposed development is limited externally to the provision of dormer windows within the roof plane to create the accommodation at second floor. The proposed dormers are of a modern, flat roof design that suits the character of the existing building and also ensures that the overall scale of the dormers within the roof slope does not result in a top-heavy appearance. In addition, the installation of the dormer windows is considered to "break up" the current mass of the roof that is substantial in comparison to the scale of the building. With the inclusion of dormers, the roof slope would appear more appropriately scaled with rooms in the roof space. The design of the dormers provides appropriate outlook for future occupants.

Overall, the design of the proposed dormer windows actively assists in diminishing the visual mass of the roof structure whilst retaining the overall shape and form of the building.

Externally, additional parking is proposed to the rear of the building where not visible from the public domain. The parking area has been reduced following Officer feedback to minimise the incursion into the planted areas to ensure that only minimal trees are lost as a result of the works. Where any trees are lost, it is proposed to include a condition to secure replacement trees to mitigate for the loss.

The revised car parking area has been designed to retain as much boundary planting as possible to maintain the soft edge between the development and its neighbours.

Overall, the development is considered to have a neutral impact on the character of the local area or adjacent conservation area.

Officers are satisfied that the scheme is acceptable having regards to Policies BE1 and HE1 of the Local Plan and Policy RLS3 of the Neighbourhood Plan.

Impact on adjacent properties

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

The proposal is for the provision of dormer windows to the existing roof slopes only and there is no physical extension to the footprint of the building that would bring it closer to neighbouring properties and Officers are therefore satisfied that the development would not result in any harmful overshadowing or overbearing impact as a result of the development.

The key area insofar as neighbouring amenity is concerned is the potential for overlooking from the new windows at second floor level. The proposed dormer windows are on the front and rear elevations and on the inner and outer roof slopes.

With regards to the internal roof slopes, the separation distances remain predominantly the same as the existing ground and first floor window separation distances, albeit slightly greater due to the windows being set back within the roof slope. Officers are satisfied that this general arrangement follows the character of the existing building and is considered acceptable.

With regard to the external roof slopes, the front elevation would result in the dormer windows fronting onto the public highway of Lillington Road and this results in a significant separation distance from the properties opposite the site.

To the rear, the site bounds onto residential properties on Almond Avenue. The location of the windows would also result in new windows having an oblique relationship with properties at Cloisters Crofts to the south and 1 and 2 The Coachhouse, 59a Lillington Road to the north.

With regards to the properties at The Coach House, Officers are satisfied that the oblique angle of the proposed primary windows compared to these properties is such that there would not be any resultant direct overlooking as a result of the development due to the angle of separation. It is noted that there are two additional dormer windows on the north facing elevation, but these serve stairwells only. On this basis, they are not classified as serving habitable rooms for the purposes of distance separation purposes.

With regards to the properties fronting onto Cloisters Crofts, the application property is set approximately 30 metres from the boundary of the nearest property. At this point, it is located at the bottom of a large garden area. Due to this separation, Officers are satisfied that the scheme would not result in any demonstrable harm to the amenity of these properties.

Moving to the properties at Almond Avenue, these properties share a closer relationship with the application site. There are 4 key properties that share a direct relationship.

Moving from North to South, the closest facing window to No.57 Almond Avenue would have a separation distance of approximately 36 metres. At the nearest point, the building is approximately 17.5 metres away from the boundary of No. 57 Almond Avenue. Taking into account these separation distances, Officers are satisfied that the proposed relationship is acceptable.

At 59 Almond Avenue, the window-to-window distance is approximately 29 metres with a distance to boundary of approximately 12.5 metres.

The Residential Design Guide SPD states that where a proposal is for a 3-storey property that has accommodation at second floor level, which faces onto a two storey property, the separation distance should be 32 metres. Officers have considered this area of the proposal and note that the physical structure is already in situ and the overall scale of the building already exists. The provision of the dormer window, which is set back into the roof slope of the proposed building would introduce a habitable room window to the roof plane. Having considered this element, Officers are of the opinion that the relationship would be acceptable when taking into account the site conditions, intervening boundary and bulk of the existing building.

Overall, Officers consider, on balance, the scheme would have an acceptable relationship with neighbouring properties and as a result would be acceptable having regard to Policy BE3 of the Local Plan.

Amenity of future occupiers

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that does not provide acceptable standards of amenity for future occupiers of a development.

The proposed rooms within the roof space have been designed to ensure that all habitable rooms have adequately sized windows to provide acceptable levels of light and outlook for future occupants.

In terms of external amenity, all future occupants would have access to the existing grounds offering open green space.

Officers are satisfied that the scheme is acceptable having regards to Policy BE3 of the Local Plan.

Parking and Highway Safety

Policy RLS13 of the Neighbourhood Plan requires all development to support measures for sustainable transport methods to make Royal Leamington Spa a cleaner, safer and healthier town.

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

The application site benefits from an existing well-made access affording acceptable visibility in both directions and the access is of sufficient width for two vehicles to pass without having to stop within the limits of the public highway.

In terms of parking, the site currently benefits from a total of 12 car parking spaces. The elements which are considered development within this proposal is limited to the 8 x one-bedroom apartments being created at second floor level.

Having considered the site and sought legal advice, it is confirmed that the scheme only needs to provide a total of 8 additional spaces to meet the requirements of the new one-bedroom apartments. Whilst the remaining units are proposed to be reduced from 54 to 38 units, as these works are not development as defined under the Planning Act, no spaces are required to be provided.

Notwithstanding the above, the proposed external areas are to be reconfigured to the rear of the building to provide a total of 35 parking spaces. Taking into consideration the existing 12 spaces together with the need for 8 spaces as a result of this development, the scheme results in a significant betterment of 15 off-street parking spaces to serve the site.

The proposal also provides for secure cycle parking within the site to provide appropriate facilities for sustainable transport options.

A condition has been included to secure the provision of electric vehicle charging points to comply with the requirements of Policy NE5 and the Air Quality SPD.

The scheme is therefore considered acceptable having regard to Policies TR1 and TR3 of the Local Plan and Policy RLS13 of the Neighbourhood Plan.

Impact on Ecology/ Protected Species

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

The County Ecologist has recommended that a Preliminary Ecological Appraisal is carried out prior to determination. The site lies within an urban area and the roof appears to be in good condition. On this basis, Officers consider that the works can be secured by condition to require checks be made before any invasive works are proposed. This can be supplemented by explanatory notes as necessary.

I therefore consider that the proposal is acceptable having regard to Policy NE3.

Trees/ Hedgerows

The proposal does involve the removal of some smaller ornamental trees within the site to create the additional parking areas. An amended plan was received reducing the extent of the proposed parking area to allow for the retention of more trees. As a result, the loss is minimal and replacement trees can be secured by condition to ensure no net loss across the site.

A condition is proposed to secure appropriate protective fencing to all retained trees together with a method statement for any proposed ground works within the vicinity of retained trees to ensure that they are not harmed by the development works.

Adapting to Climate Change

Policy CC1 seeks all new development to be resilient to and adapt to the future impacts of climate change through the inclusion of measures to mitigate against rising temperatures and increased flood risk through sustainable construction measures and the incorporation of sustainable drainage methods.

The proposal is limited to the installation of dormer windows to create the new apartments so the practicality of incorporating sustainable construction methods is limited. It is noted that as part of the proposal, new solar panels are to be installed on appropriate roof slopes to increase the use of green energy to serve the development as a whole. Officers are satisfied that this would fulfil the requirements of Policy CC1.

The proposal also includes the provision of additional parking areas to the rear of the building. As this would increase the amount of hardstanding proposed within the site, a condition is proposed to secure details of the surfacing works to ensure the use of porous materials to prevent an increase in surface water run off as a result of the development.

Subject to the required condition, Officers consider that the proposal accords with Policy CC1.

Waste Storage

The site contains adequate facilities for storage of waste. As there is a reduction in overall units, the existing waste management facilities are considered acceptable.

Affordable Housing

As the scheme is for the provision of 8 residential units only, there is no trigger to require the provision of 40% affordable units.

Water Conservation

A condition has been added to ensure compliance with Local Plan Policy FW3.

Conclusion

The development is considered acceptable in principle having regard to Policy H1 of the Local Plan as the site lies within a sustainable area within the Urban Boundary of Royal Leamington Spa.

The proposal is considered to have an acceptable impact on the character and amenity of the local area and adjacent Conservation Area.

Residential amenity of both existing residents and future occupants of the premises is considered to be acceptable.

The scheme is not considered harmful to highway safety and a range of conditions can mitigate site specific matters.

For the above reasons and subject to conditions, the application is recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 21-837-29-P1, 21-837-30-P1 and 21-837-31-P1, 21-837-32-P1, and specification contained therein, submitted on 1 June 2021 and approved drawing 21-837-33-P4, and specification contained therein, submitted on 13 October 2021. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **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.
- 4 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the approved tree protection measures have been put into place in full accordance with BS:5837 (2012) 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 tree(s); no equipment, machinery or structure shall be attached to or supported by a tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** In order to protect and preserve existing trees within the site in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

- 5 No external works affecting any areas of soft landscaping shall commence unless and until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall demonstrate how works will proceed without harming all trees to be retained on the site to include appropriate methodology for works located within the vicinity of any trees. Thereafter, all works shall be carried out strictly in accordance with the approved details. **Reason:** In order to protect and preserve existing trees within the site in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 6 No works to the external areas of the building shall commence unless and until a soft landscaping scheme has been submitted to and approved in writing by the local planning authority. The soft landscaping plan shall indicate details of all proposed planting works together with new tree planting to mitigate for the loss of trees shown to be removed within the site boundary. Thereafter, all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 7 No dwelling hereby permitted shall be occupied unless and until the car parking provision for that dwelling has been constructed or laid out and made available for use by the occupants and / or visitors to the dwelling and thereafter those spaces shall be retained for parking purposes for the development at all times. **Reason:** To ensure the satisfactory provision of off-street vehicle parking facilities in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029.
- 8 No works to the roof shall commence until two weeks' notice in writing prior to the commencement of the works has been given to a suitably qualified bat worker appointed by the applicant to supervise all destructive works to the roof. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England are consulted for advice and no further works shall be undertaken at the site unless and until full details of measures for bat migration and conservation have been submitted to and approved in writing by the local planning authority. The development shall then proceed in full accordance with

the approved details and any required mitigation works shall be completed in full accordance with the approved details. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

- 9 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.
- 10 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **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 the Air Quality and Planning Supplementary Planning Document.
- 11 No new hard surfacing shall be installed unless and until details have been submitted to and approved in writing by the Local Planning Authority detailing the use of porous materials and sustainable drainage methods to prevent an increase in surface run-off as a result of the development. The development shall be carried out only in full accordance with the approved details. **Reason:** In the interests of climate change adaption and minimising flood risk in accordance with Policy CC1 of the Warwick District Local Plan 2011-2029.
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