

# Planning Committee

Tuesday 9 December 2014

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A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 9 December 2014 at 6.00pm.

Councillor Rhead (Chairman)  
Councillor Brookes (Vice Chairman)  
Councillor Boad  
Councillor Mrs Bromley  
Councillor Mrs Bunker  
Councillor Ms De-Lara-Bond  
Councillor Doody  
Councillor MacKay  
Councillor Weber  
Councillor Wilkinson  
Councillor Williams

## Emergency Procedure

At the commencement of the meeting the emergency procedure for the Town Hall will be displayed on screen for information.

## Agenda

### Part A – General

\*1. **Substitutes**

To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

\*2. **Declarations of Interest**

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

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

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

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

**\*3. Site Visits**

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

**\*4. Minutes**

To confirm the minutes of the Planning Committee of 11 and 12 November 2014.  
**(Item 4/Page 1)**

**Part B – Planning Applications**

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

- \*5. W14/1340 – Land North of Common Lane, Kenilworth (Item 5/Page 1)**  
**\*\*Major Application\*\***
- \*6. W14/1546 – Quarry Cottage, Old Milverton Lane, Old Milverton, Royal Leamington Spa (Item 6/Page 1)**
- \*7. W14/1570 – 28 Clarendon Street, Royal Leamington Spa (Item 7/Page 1)**
- \*8. W14/1684 – Hampton View, Henley Road, Hampton on the Hill, Budbrooke (Item 8/Page 1)**
- \*9. W14/1513 – Land at Fieldgate Lane, Whitnash (Item 9/Page 1)**
- \*10. W14/1555 – 98 Bridge End, Warwick (Item 10/Page 1)**
- \*11. W14/1548 – 11 York Road, Royal Leamington Spa (Item 11/Page 1)**

**(\*Denotes those items upon which decisions will be made under delegated powers, as previously granted by Council).**

**Part C – Other matters**

None.

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications being put before the Committee. If you wish to do so, please call 01926 353362 (Monday to Thursday 8:00am to 7:00pm, Friday 8:00am to 6:00pm and Saturday 9:00am to 1pm) or email [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk), anytime after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note, that the running order for the meeting may be different to that

published above, in order to accommodate items where members of the public - Have registered to address the Committee.

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

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

You can e-mail the members of the Planning Committee at  
[planningcommittee@warwickdc.gov.uk](mailto:planningcommittee@warwickdc.gov.uk)

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The agenda is available in large print on request, prior to the meeting, by telephoning (01926) 353362

# Planning Committee

Minutes of the meeting held on Tuesday 11 November 2014 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Rhead (Chairman); Councillors Boad, Brookes, Mrs Bromley, Mrs Bunker, De-Lara-Bond, Doody, MacKay, Weber, and Wilkinson.

Apologies for absence were received from Councillor Williams.

## 104. **Substitutes**

There were no substitutes.

## 105. **Declarations of Interest**

Minute Number 108 – W14/1076 – Land between Myton Road, and Europa Way, Warwick

Councillor Mrs Bromley declared an interest because the application site was in her Ward.

Minute Number 109 – W14/1267 – Newbold Centre, Leicester Street, Royal Leamington Spa

Councillor Weber declared an interest because the application site was in his Ward. He had also been in email discussion with residents concerning this application but he stated that he retained an open mind.

Councillor Wilkinson declared an interest because he had friends living in the area and one of the objectors who had made a written objection was known to him.

Minute Number 110 – W14/1132 – Sydenham Industrial Estate, Sydenham Drive and St Mary's Road, Royal Leamington Spa

Councillor Wilkinson declared an interest because the developers were known to him and had contacted him, but he stated that he could approach the application with an open mind.

Minute Number 111 – W14/1293 – Land at Foxes Study, Warwick Castle, Warwick

Councillor Mrs Bromley declared an interest because the application site was in her Ward and made a public statement that officers had made an incorrect allegation that she had said that she was opposed to the proposals at a presentation in respect of the Castle back in July. At no time had she voiced such an opinion and she had come to the meeting with an open mind and did not consider herself to be pre-determined.

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

### Minute Number 116 – W14/1453 – 134 Warwick Road, Kenilworth

Councillor Mrs Bunker declared that she was predetermined, having proposed refusal of the application at a previous meeting, and would not take part in the debate or vote on the proposals.

#### **106. Site Visits**

To assist with decision making, Councillors Boad, Mrs Bromley, Mrs Bunker, Doody, Rhead, Weber and Wilkinson visited the following application sites on Saturday 8 November 2014:

W14/1076 – Land between Myton Road and Europa Way, Warwick;  
W14/1267 – Newbold Centre, Leicester Street, Royal Leamington Spa;  
W14/1132 – Sydenham Industrial Estate, Sydenham Drive and St Mary's Road, Royal Leamington Spa;  
W14/1138 – St Nicholas Park, Banbury Road, Warwick;  
W14/1054 – Woodside Farm, Harbury Lane, Bishop's Tachbrook; and  
W14/1293 – Land at Foxes Study, Warwick Castle, Warwick

Councillor Brookes visited:

W14/1267 – Newbold Centre, Leicester Street, Royal Leamington Spa; and  
W14/1132 – Sydenham Industrial Estate, Sydenham Drive and St Mary's Road, Royal Leamington Spa;

#### **107. Minutes**

The minutes of the meeting held on 14 October 2014 were agreed and signed by the Chairman as a correct record.

#### **108. W14/1076 – Land between Myton Road, and Europa Way, Warwick**

The Committee considered an application from the Europa Way Consortium for the construction of up to 735 dwellings; a mixed-use neighbourhood centre to include retail development (Use Classes A1, A2, A3 & A4) and/or community and health uses (Use Class D1); safeguarding of land for education use; provision of formal and informal open spaces including sports and recreation provision, children's and youth play areas and allotments/orchards; strategic landscaping and drainage works including surface water attenuation ponds as part of a sustainable urban drainage system; provision of two vehicular accesses, one off Europa Way and one off Saumur Way; car parking; creation of new footpaths and cycleways and their connection to adjoining networks; ground remodelling; undergrounding of overhead powerlines including a new pylon to link to off-site overhead lines; formation of ponds as an ecological mitigation measure to accommodate the translocation of great crested newts.

The application was presented to the Committee because of the number of objections received from local residents and because of objections that had been received Royal Leamington Spa Town Council and Bishop's Tachbrook Parish Council.

The officer considered the following policies to be relevant:

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

DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)

DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)

Warwickshire Landscape Guidelines SPG

Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)

Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)

The 45 Degree Guideline (Supplementary Planning Guidance)

Distance Separation (Supplementary Planning Guidance)

National Planning Policy Framework

RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)

SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)

SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)

SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)

DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

Open Space (Supplementary Planning Document - June 2009)

Vehicle Parking Standards (Supplementary Planning Document)

Sustainable Buildings (Supplementary Planning Document - December 2008)

Affordable Housing (Supplementary Planning Document - January 2008)

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

DP5 - Density (Warwick District Local Plan 1996 - 2011)

DP6 - Access (Warwick District Local Plan 1996 - 2011)

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

Warwick District Local Plan 2011-2029 Publication Draft - published April 2014. Relevant policies: DS2, DS3, DS5, DS6, DS7, DS10, DS11, DS12, DS13, DS14, DS15, HO, H1, H2, H4, SC0, BE1, BE2, BE3, TR1, TR2, TR3, TR4, HS1, HS4, HS5, HS6, HS7, CC1, CC2, CC3, FW1, FW2, FW3, FW4, HE2, HE6, NE1, NE2, NE3, NE4, NE5, W1, DM1 & DM2.

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

An addendum circulated at the meeting informed Members that a further objection had been received, reiterating concerns that had been made previously and summarised in the Committee Report. It also stated that the reference to the five year housing land supply in the first section of the report had been amended slightly to provide more clarity. Two additional conditions were also recommended to be added should planning permission be granted.

It was the officer's opinion that due to the Council's lack of a five year housing land supply, Local Plan Policy RAP1 was out of date. Therefore, the NPPF required applications to be considered in the context of the presumption in favour of sustainable development. This stated at paragraph 14 that where development plan policies were out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

There were three dimensions to sustainable development: economic, social and environmental. The development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Businesses would also benefit economically through the provision of highway network improvements. Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs, the provision of open space, and improvements to shared infrastructure, including the provision of land for education use. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, provision of open spaces, sustainable drainage measures and improved footpath/cycle way links. The site was in a sustainable location adjacent to the urban area and would be integrated into the existing settlement by sustainable transport links. It was, therefore, concluded that the development represented sustainable development by satisfying the three dimensions identified in the NPPF.

It had been concluded that any issues of concern raised could be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities, and the provision of new infrastructure by way of financial contributions. The development would have an adverse impact on the surrounding landscape in terms of loss of openness and harm to rural character. However, these impacts needed to be balanced against the wider benefits of the development listed above.

Drawing these matters together, it was not considered that the adverse impacts on the landscape and rural area significantly and demonstrably outweighed the benefits of the development. The development was considered to comply with all current Local Plan policies aside from RAP1 and DAP2, which the NPPF advised could not carry any weight. Furthermore, the development was considered to comply with the policies of the NPPF, taken as a whole. The presumption in favour of sustainable development carried substantial weight, as did the contribution the development would make to the provision of housing to meet the needs of the District. The allocation of this site for housing in the Draft Local Plan also carried some weight. In addition, this scheme was of particular importance for the wider area because it provided land to meet the needs

## PLANNING COMMITTEE MINUTES (Continued)

for enhanced secondary education provision to serve the whole Southern Development Area. It was, therefore, concluded that planning permission should be granted.

The following people addressed the Committee:

Councillor Holland from Warwick Town Council, Mr MacKay representing the Conservation Advisory Forum and Mr Batt all spoke in objection to the application. Mr Edwards spoke in support of the application, followed by Ward Councillor Mrs Mellor who spoke against the application. Prior to making her address to the Committee, Councillor Mrs Mellor asked for confirmation on whether Councillors who had voted on the draft Local Plan were pre-determined, and was informed that they were not pre-determined if they approached the application with an open mind.

The Chairman, realising that the Emergency Procedure had not been referred to at the start of the meeting when it was displayed on the projector screen, read the procedure out.

A motion to refuse the application was defeated. It was felt that if this application was refused, then by implication, the Committee would be rejecting part of the Local Plan. The Committee agreed the additional conditions in the addendum, plus additional conditions relating to:

- rainwater harvesting;
- a dedicated cycle path along the spine road that connected with the cycle network in Saumur Road; and
- a pathway and cycle route link to the Retail Park.

Additionally, the Committee requested an informative be stated in the information to the applicant which would request a reduction in the height of some of the buildings north of the spine road so that they would be less than three storeys high.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee

**Resolved** that W14/1076 be **granted** subject to conditions and subject to the completion of a satisfactory Section 106 agreement. Should a satisfactory Section 106 agreement not be completed by 28 November 2014, the Head of Development Services has delegated authority to refuse planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

Conditions:

- (1) this permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application and the further approval of the District Planning Authority shall



## PLANNING COMMITTEE MINUTES (Continued)

be required to the undermentioned matters hereby reserved before any development is commenced:-

- (a) layout
- (b) scale
- (c) appearance
- (d) landscaping

**Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 as amended;

- (2) application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (3) the development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (4) the development hereby permitted shall be carried out substantially in accordance with the details described in the Design and Access Statement and as shown on the parameter plans 26855-LEA282a and 26855-LEA283a, and specification contained therein, submitted on 27 October 2014. For the avoidance of doubt, drawing nos. 26855-LEA202e (indicative masterplan) and 26855-LEA206b (strategic masterplan) have been considered as being for illustrative purposes only and therefore are not approved. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011. The application is in outline with all matters (save access) reserved and the local planning authority wishes to ensure that those details that have not yet been submitted are appropriate for the locality in terms of visual and residential amenity and reflect the scale and nature of the development assessed in the submitted Environmental Statement;
- (5) no more than 140 dwellings shall be occupied unless and until the access to Europa Way has

## PLANNING COMMITTEE MINUTES (Continued)

been constructed in strict accordance with drawing no. 26855-L133e, submitted on 3 November 2014. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011;

- (6) the vehicular access from Saumur Way shall be constructed in strict accordance with drawing no. 26855-LEA187a, submitted on 17 July 2014. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011;
- (7) no reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Design Code for the approved development. This Design Code shall be in accordance with the principles and parameters as set out within the Design and Access Statement, the plans listed in condition 4 above and the Council's guidance entitled "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012" (and any subsequent revision and/or approved plans/strategy available at the time).

The Design Code shall include the following matters:

- a hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas);
- development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);
- building types;
- building heights;
- the means to accommodate the parking of vehicles and cycles;
- sustainable Urban Drainage features;
- key spaces, open spaces and green features;
- architectural language and detailing;
- design principles for street tree planting

## PLANNING COMMITTEE MINUTES (Continued)

- and other structural landscaped areas;
- design principles for hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long term management;
- design principles for waste disposal and recycling;
- design principles for the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures;
- design principles for street lighting and any other lighting to public space (including parking areas);
- a regulating plan on an ordnance survey base at a scale no greater than 1:1250; and
- a mechanism for periodic review and refinement if necessary of the approved Design Code.

All reserved matters applications shall accord with the approved Design Code.

**Reason:** In the interests of good urban design and a comprehensively planned development in accordance with the NPPF, Policies DP1, DP14 & DP15 of the Warwick District Local Plan 1996-2011 and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029 (Publication Draft 2014);

- (8) no reserved matters application shall be submitted until a Site-wide Masterplan has been submitted to and approved in writing by the local planning authority. The Site-wide Masterplan shall be in accordance with all of the following:
- the approved Design & Access Statement and parameters plans listed in condition 4;
  - the principles set out in the Council's guidance entitled "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012"; and
  - the Site-wide Design Code to be approved under condition 7.

The Site-wide Master Plan shall include the following:

- illustrative details of how the proposed layout of development has been designed with due regard to the surrounding urban

## PLANNING COMMITTEE MINUTES (Continued)

- and rural context;
- landform topography as existing and proposed;
- a land use plan and character areas (including densities and building heights);
- movement corridors within the site (including principal roads, public transport corridors, footpaths, cycleways and green corridors) including a demonstration of how these relate to existing movement networks in the wider area;
- location of any areas for off-street car parking courts;
- key infrastructure (including SUDs, significant utility provision, schools, district/local centres);
- landscape corridors and open space networks;
- public open space;
- housing mix including tenure and size of dwelling;
- location of affordable housing;
- street tree planting and other structural landscape areas;
- hard and soft landscaping treatments;
- street lighting arrangements and any other lighting to public space;
- a phasing plan including triggers for delivery of key elements of supporting infrastructure; and
- a statement explaining how the development proposals accord with the principles set out in the Site-wide Design Code.

**Reason:** In the interests of good urban design and a comprehensively planned development in accordance with the NPPF, Policies DP1, DP14 & DP15 of the Warwick District Local Plan 1996-2011 and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029 (Publication Draft 2014);

- (9) no development shall commence until a construction phasing plan has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the phases established in this approved phasing plan. **Reason:** To ensure the proper phasing of the development;
- (10) no phase of development shall commence under any reserved matters consent until a detailed lighting scheme for that phase has

## PLANNING COMMITTEE MINUTES (Continued)

been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

- (a) low energy LED lighting should be used in preference to high pressure sodium or mercury lamps;
- (b) the brightness of lights should be as low as legally possible;
- (c) lighting should be timed to provide some dark periods; and
- (d) connections to areas important for foraging should contain unlit stretches.

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 so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011;

- (11) no development shall take place until a Protected Species Contingency Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include:
  - (a) a schedule of badger mitigation measures to include details of matters such as artificial sett creation, provision of sufficient foraging habitat on site and provision of ecological corridors facilitating movement between areas;
  - (b) a schedule of bat mitigation measures, to include up-to-date bat activity surveys and proposals for either the retention and protection of existing bat roosts or the provision of replacement bat roosts; and
  - (c) a schedule of great crested newt mitigation measures, to include further survey work if

## PLANNING COMMITTEE MINUTES (Continued)

necessary and proposals for either the retention and protection of the great crested newt habitats or provision of appropriate replacement habitats.

The Protected Species Contingency Plan shall include timescales for the works and proposals for on-going monitoring. The approved Protected Species Contingency Plan shall be implemented in strict accordance with the approved details and timescales.

**Reason:** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan;

- (12) the development hereby permitted (including demolition) shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the local planning authority expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The 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 Policy DAP3 of the Warwick District Local Plan;
- (13) 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 ponds, wildflower grasslands and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net bio-diversity gain in accordance with the NPPF;
- (14) no development shall take place until a scheme

## PLANNING COMMITTEE MINUTES (Continued)

for the provision and management of the river corridor and a minimum 8m buffer zone alongside Myton Brook has been submitted to and approved in writing by the local planning authority. The scheme shall include plans showing the extent and layout of the buffer zone, the design and location of any bridges over the river, a tree planting scheme for this zone and details of any footpaths, fencing or lighting within the zone. The scheme shall thereafter be implemented in strict accordance with the approved details and the buffer zone shall be protected in accordance with the scheme at all times thereafter. **Reason:** To ensure the protection of wildlife and supporting habitat and to secure opportunities for the enhancement of the nature conservation value of the site, in accordance with Local Plan Policy DP3;

- (15) no phase of development shall take place under any reserved matters consent until a scheme for that phase showing how 10% of the predicted energy requirement of the phase will be produced on or near to the site from renewable energy resources has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (16) no phase of development shall commence under any reserved matters consent until a scheme for that phase has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **Reason:** To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan;
- (17) notwithstanding the details indicated on the

## PLANNING COMMITTEE MINUTES (Continued)

Draft Tree Retention and Removal Plan submitted with the application, no phase of development shall commence on any reserved matters consent until a Final Tree Retention and Removal Plan identifying existing trees, shrubs and hedgerows to be retained has been submitted to and approved in writing by the local planning authority. The existing trees, shrubs and hedgerows shown to be retained on this plan shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedgerows removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with trees, shrubs or hedgerows of such size and species details of which must be submitted to and approved by the local planning authority. All trees, shrubs and hedgerows shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

- (18) 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 submitted to and approved in writing by the local planning authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials



## PLANNING COMMITTEE MINUTES (Continued)

have been removed. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

(19) the development hereby permitted shall not commence until: -

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

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

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

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

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

## PLANNING COMMITTEE MINUTES (Continued)

- (3) If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless an addendum to the method statement, detailing how the unsuspected contamination shall be dealt with, has been submitted to and approved in writing by the local planning authority). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.
- (4) Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

**Reason:** To safeguard health, safety and the environment in accordance with Policies DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011;

- (20) no phase of development shall commence under any reserved matters consent until a scheme for that phase detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter.

**Reason:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (21) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which shall have been submitted to

## PLANNING COMMITTEE MINUTES (Continued)

and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: a construction phasing plan; the anticipated movements of vehicles; the routing of delivery vehicles; the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; measures to limit noise and disturbance; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;

- (22) no phase of development shall commence under any reserved matters consent until a Low Emission Strategy for that phase has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012;
- (23) no phase of development shall commence under any reserved matters consent until a scheme for that phase for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **Reason:** In the interests of fire safety;
- (24) prior to the submission of any Reserved Matters applications for any phase of development:

## PLANNING COMMITTEE MINUTES (Continued)

(a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work across this site shall be submitted to and approved in writing by the local planning authority;

(b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken;

(c) a report detailing the results of this fieldwork shall be submitted to and approved in writing by the local planning authority; and

(d) an Archaeological Mitigation Strategy document shall be submitted to and approved in writing by the local planning authority. This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation.

No development shall take place until all fieldwork detailed in the approved Archaeological Mitigation Strategy has been completed in strict accordance with the approved details. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Archaeological Mitigation Strategy.

**Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011;

(25) the development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance

## PLANNING COMMITTEE MINUTES (Continued)

with Policy DP11 of the Warwick District Local Plan 1996-2011;

- (26) no phase of development shall commence under any reserved matters consent until a scheme for that phase has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. The scheme shall include the following:
- proposals to limit post-development runoff volumes and peak flow rates to the Greenfield discharge rate for all rainfall return periods up to and including a 1 in 100 year plus 30% (for climate change) event;
  - attenuation designed to accommodate a 1 in 100 year plus 30% (for climate change) event;
  - further detail on the implementation of SUDS;
  - proposals to alleviate existing flooding problems affecting Myton School and dwellings in The Malins and Myton Gardens; and
  - a demonstration that there will be no above ground flooding up to and including the 1 in 30 year rainfall event.

The approved drainage systems shall thereafter be installed in strict accordance with the approved details and timescales. The approved drainage systems shall be retained at all times thereafter and shall be managed and maintained in strict accordance with the approved details.

**Reason:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011;

- (27) no development shall commence until a scheme for the restoration of Myton Brook has been submitted to and approved in writing by the local planning authority. This shall include further hydraulic modelling to test the effectiveness of this restoration in reducing downstream flood risk. This shall also include details of timescales for the completion of

## PLANNING COMMITTEE MINUTES (Continued)

these works. The restoration of Myton Brook shall thereafter be completed in strict accordance with the approved details and timescales. **Reason:** To reduce flood risk, in accordance with the NPPF;

- (28) any landscaping (other than the planting of trees and shrubs) approved under condition 1, including boundary treatment, paving and footpaths, shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;
- (29) the mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites". **Reason:** To ensure that the housing meets the needs of the District as required by Local Plan Policy SC1 and the NPPF;
- (30) an area of land measuring no less than 0.28 hectare shall be reserved for a neighbourhood centre to provide 500 sq m of A1, A2, A3, A4 and / or D1 floorspace. This area of land shall be in the location identified on drawing no. 26855-LEA282a. Any reserved matters proposals for development on this land must include at least 500 sq m of A1, A2, A3, A4 and / or D1 floorspace and associated off-street parking facilities. **Reason:** To ensure

## PLANNING COMMITTEE MINUTES (Continued)

that supporting facilities are provided as part of this residential development, in the interests of creating a sustainable development, in accordance with the NPPF;

- (31) none of the commercial units hereby permitted shall be used for purposes falling within Use Classes A3 or A4 unless:

(a) an odour assessment has been undertaken to assess the impact of odour arising from cooking and any proposed fume extraction system that is required to serve that unit;

(b) the results of the odour assessments carried out to comply with criterion (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and

(c) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details.

The odour mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

**Reason:** To protect residents of the development from the adverse effects of noise and fumes from commercial activities within the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (32) noise arising from any plant or equipment installed at any of the commercial units hereby permitted (i.e. any unit falling within Use Classes A1, A2, A3, A4 or D1), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

## PLANNING COMMITTEE MINUTES (Continued)

- (33) the development hereby permitted shall only be carried out in accordance with the Flood Risk Assessment by AMEC dated July 2014 and submitted on 17 July 2014, and the proposed flood mitigation measures contained therein. **Reason:** To reduce flood risk, in accordance with the NPPF;
- (34) for a period of 18 months from the date of the first occupation of any of the dwellings hereby permitted, no more than 140 dwellings shall be accessed via the proposed vehicular access off Saumur Way. At all times after 18 months following the first occupation of any of the dwellings hereby permitted, no more than 70 dwellings shall be accessed via the proposed vehicular access off Saumur Way. **Reason:** In order to protect the living conditions of the existing dwellings along Saumur Way, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan;
- (35) within two years of the first occupation of any of the dwellings hereby permitted, design and construction details of the main spine road through the development (annotated) as "Principal Vehicle Route" on drawing no. 26855-LEA82a), together with a safeguarded access into Myton School shall be permitted to and approved in writing by the local planning authority;
- (36) within five years of the first occupation of any of the dwellings or 65% occupation of the dwellings, whichever is the sooner, the spine road shall be completed in strict accordance with the approved details to provide a continuous unrestricted vehicular, cycle and pedestrian link from the site access on Europa Way through to the spine road to be constructed on the adjacent site to the south (identified as "Land North of Gallows Hill" on planning application no. W14/0967); and
- (37) Conditions relating to (1) rainwater harvesting and rainwater system; (2) a dedicated cycle path along the spine road that connects with the cycle network in Saumur Road; and (3) a pathway and cycle route link to the Retail Park. Wording of these three conditions to be determined by Planning Officers.



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

### **109. W14/1267 – Newbold Centre, Leicester Street, Royal Leamington Spa**

The Committee considered an application from Waterloo Housing Group for the demolition of the existing building and the erection of 31 dwellings.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

Warwick District Local Plan 1996-2011

SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)

DP5 - Density (Warwick District Local Plan 1996 - 2011)

DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)

SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

DP6 - Access (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

Warwick District Local Plan 2011-2029 (Publication Draft - April 2014)

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

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

DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)  
H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)  
H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)  
SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
HS8 - Protecting Community Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
FW3 - Water Conservation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### **Supplementary Planning Documents & Supplementary Planning Guidance**

Sustainable Buildings (Supplementary Planning Document - December 2008)  
Distance Separation (Supplementary Planning Guidance)  
The 45 Degree Guideline (Supplementary Planning Guidance)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
Vehicle Parking Standards (Supplementary Planning Document)  
Open Space (Supplementary Planning Document - June 2009)  
Affordable Housing (Supplementary Planning Document - January 2008)

An addendum circulated at the meeting informed Members that a further objection had been received, raising issues similar to those listed in the "Summary of Representations" section of the Committee Report as well as

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

a further issue relating to the location of the bridge, suggesting that this should be where there was already a break in the wall. It also informed Members that the report from the Council's viability consultants had now been received and confirmed that the provision of any Section 106 contributions would render the scheme unviable.

It was the officer's opinion that the applicant had submitted evidence to demonstrate compliance with Local Plan Policy SC8 in terms of the loss of this community facility. The development that was proposed would have an acceptable impact on the living conditions of neighbouring dwellings. The design and layout of the development was considered to be in keeping with the character and appearance of the area and would preserve the setting of the adjacent Conservation Area. The proposals were considered to be acceptable in terms of car parking and highway safety. The limited harm arising from the loss of trees was outweighed by the benefits associated with the provision of affordable housing. Finally, the proposals would have an acceptable ecological impact. Therefore, it was recommended that planning permission was granted.

The following people addressed the Committee:

Ward Councillor Ms Dean who spoke in objection to the application.

A motion to grant the application was defeated. Members were concerned that the four storey residential block would not have a positive impact on the street scene.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee

**Resolved** that W14/1267 be **refused** because the layout and design (with particular reference to the block of flats) was out of context to the area – Planning Policy DP1.

The meeting was adjourned for a 10 minute comfort break and re-convened at 8.20pm.

### 110. **W14/1132 – Sydenham Industrial Estate, Sydenham Drive and St Mary's Road, Royal Leamington Spa**

The Committee considered an application from Orbit Group Limited & CHS Developments Limited for the erection of 88 no. affordable and 55 no. low cost market dwellings (Use Class C3) served by vehicular access from St Mary's Road and Ramsey Road; associated car parking; landscaping; open space; and other ancillary and enabling works. This was a resubmission of planning application W14/0446.

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

The officer considered the following policies to be relevant:

DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

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

SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)

SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)

Warwick District Local Plan 2011-2029 Publication Draft - published April 2014. Relevant policies: DS2, DS3, DS5, DS6, DS7, DS8, DS10, DS11, DS17, EC3, HO, H1, H2, H4, SC0, BE1, BE3, TR1, TR2, TR4, HS1, HS4, HS6, HS7, CC1, CC3, FW2, FW3, FW4, HE2, NE1, NE2, NE3, NE5, NE7, DM1 & DM2.

DP5 - Density (Warwick District Local Plan 1996 - 2011)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)

SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)

National Planning Policy Framework

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

DP6 - Access (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

Sustainable Buildings (Supplementary Planning Document - December 2008)

Distance Separation (Supplementary Planning Guidance)

The 45 Degree Guideline (Supplementary Planning Guidance)

Vehicle Parking Standards (Supplementary Planning Document)

Open Space (Supplementary Planning Document - June 2009)

Affordable Housing (Supplementary Planning Document - January 2008)

Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)

Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)

An addendum circulated at the meeting advised Members of further comments that had been received from the Conservation Advisory Forum and some supporting comments from the applicants. Additionally, a revised accommodation plan had been submitted (2894-25V) to correct a typing error on the previous version of this plan.

It was the officer's opinion that the redevelopment of this part of the industrial estate for residential purposes was considered to be acceptable in principle, in accordance with the 2013 Employment Land Review and the Draft Local Plan. The proposals would have an acceptable impact on the

## PLANNING COMMITTEE MINUTES (Continued)

living conditions of neighbouring dwellings and on the character and appearance of the area and the setting of the nearby Conservation Area. Any concerns about the living environment for future occupants of the proposed dwellings or the impact on existing businesses adjacent to the site were outweighed by the significant benefits associated with the provision of a substantial amount of affordable housing. The restrictions on occupying some of the dwellings would also provide some assistance with this issue in the short term. The benefits of the scheme also outweighed any concerns about the under-provision of public open space. The proposed layout showed an appropriate spread and mix of affordable and market housing and it had been demonstrated that the provision of any form of Section 106 contributions would render the scheme unviable. The proposals were considered to be acceptable in terms of car parking, highway safety, ecological impact and in terms of the impact on trees. Finally, a refusal of planning permission could not be justified on the grounds of the relocation of existing short term tenants from the application site. Therefore, it was recommended that planning permission was granted.

The following people addressed the Committee:

Mrs Wilkinson, Director of Bellagio Stone, who spoke against the application because of the impact the development would have on her business. Mr Holt from Orbit and Mrs Ventham from Barton Wilmore then addressed the Committee in support of the application, followed by Ward Councillor Weed who spoke against the application.

The Chairman invited the Council's Environmental Health Officer to make a statement to the Committee and he informed them that the development did meet British Standards in respect of noise and that it was his opinion that there were insufficient grounds to object to the application on these grounds. A number of noise assessments in excess of the standard requirements had been carried out to best capture worst case scenarios because there had been concerns about the affect Bellagio Stone's business would have on the occupants of the new houses, including should Bellagio Stone ever operate 24/7. Whilst there was no guarantee the new residents would not complain about the noise, he could confirm that British Standards in respect of noise levels had been met.

Councillors were very concerned on the effect the new development could have on Bellagio Stone. The standards that were currently set for noise could change and then, would put the business at risk of having to find an alternative address and this business might face the costs of this. The uncertainty would mean that the business might be reluctant to spend money on possible expansion.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee

**Resolved** that W14/1132 be **refused** because it was contrary to development plan policies DP1 – design and layout; DP2 – amenity; DP6 – design and access; SC2 – protect business; and due to lack of infrastructure provision.

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

### **111. W14/1293 – Land at Foxes Study, Warwick Castle, Warwick**

The Committee considered an application from Merlin Attractions Operations Limited for a hybrid planning application in two parts:

Part i: Outline application with all matters reserved except for siting for up to 12 permanent semi-detached lodges: up to five permanent tree houses: and associated infrastructure works.

Part ii: Full planning application for erection of eight permanent semi-detached lodges providing visitor accommodation, associated infrastructure works (including drainage) an ancillary facilities building, a sub-station, boardwalks, re-alignment of the existing perimeter footpath, widening of the existing internal access road, lighting and landscaping works and the siting of 41 seasonal glamping tents including associated seasonal support facilities including a banqueting tent, showers and toilets.

The application was presented to the Committee because a number of objections had been received, including one from Warwick Town Council.

The officer considered the following policies to be relevant:

National Planning Policy Framework

#### The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

DP6 - Access (Warwick District Local Plan 1996 - 2011)

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)

DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)

RAP15 - Camping and Caravanning Sites (Warwick District Local Plan 1996 - 2011)

RAP16 - Directing New Visitor Accommodation (Warwick District Local Plan 1996 - 2011)

#### The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

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

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
CT1 - Directing New Tourism, Leisure and Cultural Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
CT2 - Directing New or Extended Visitor Accommodation (Warwick District Local Plan 2011-2029 Publication Draft April 2014)  
CT4 - Extensions to Tourism, Cultural or Leisure Facilities in Rural Areas (Warwick District Local Plan 2011-2029 Publication Draft April 2014)  
CT6 - Camping and Caravan Sites (Warwick District Local Plan 2011-2029 Publication Draft April 2014)  
CT7 - Warwick Castle and Warwick Racecourse/St Mary's Lands (Warwick District Local Plan 2011-2029 Publication Draft April 2014)  
CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
HE4 - Protecting Historic Parks and Gardens (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

An addendum circulated at the meeting advised Members of further objections received from the Warwick Society, and comments from Councillor Mrs Higgins and Councillor Mrs Grainger in support of the application. The addendum advised that in addition to these, a further three letters of support had been received and 19 objecting. There was also advice from Planning officers to amend certain planning conditions if permission was granted.

It was the officer's opinion that the proposed development was acceptable in principle and did not adversely affect the historic integrity, character or setting of the listed building or the registered park and garden. The detailed part of the permission provided an acceptable standard of design and preserved the character and appearance of the Conservation Area and did not adversely affect the amenity of nearby residents. The proposal was, therefore, considered to comply with the policies listed.

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

The following people addressed the Committee:

Councillor Holland from Warwick Town Council who informed Members that the Town Council had voted 5:1 against the proposals, Mr MacKay from the Conservation Area Forum and Mrs Crampton (a Warwick resident) and Dr Highland (a Warwick Tree Warden) all addressed the Committee against the proposals. Mrs Butcher from the Warwick Chamber of Trade and Mr Spooner representing Warwick Castle both spoke in support of the application, followed by Councillor Cross, a District Councillor, who also spoke in support. Councillor Holland interrupted the meeting to point out that Councillor Cross was not the Ward Councillor.

There was some debate on whether the Castle brought business to the town centre with views stated in both directions, but the main concern was that the proposals within the Castle grounds on a Grade 1 listed registered park would cause substantial harm due to their scale and nature. That substantial harm could not be outweighed by the public benefits arising from the proposed development. Members supported the views stated by CPRE.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee

**Resolved** that W14/1293 be **refused** on conservation grounds and substantial harm that is not outweighed by the public benefits of the application (NPPF 132 and 133). It is a Grade 1 listed site.

### 112. **W14/1054 – Woodside Farm, Harbury Lane, Bishop’s Tachbrook**

The Committee considered a reserved matters application from Persimmon Homes South Midlands for the layout, scale and appearance of 46 dwelling houses and associated landscaping under Phase 1 of the Woodside Farm Development granted under outline planning permission W13/1207.

The application was presented to the Committee because it was considered appropriate that this particular application be determined in this manner.

The officer considered the following policies to be relevant:

National Planning Policy Framework

#### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)



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

DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)  
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)  
SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)  
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)  
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)  
SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)  
RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)  
DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)  
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

### **The Emerging Local Plan**

DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)  
H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)  
H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)  
H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)  
BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
TR3 - Transport Improvements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick

## PLANNING COMMITTEE MINUTES (Continued)

District Local Plan 2011-2029 - Publication Draft April 2014)  
FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

Residential Design Guide (Supplementary Planning Guidance - April 2008)  
Open Space (Supplementary Planning Document - June 2009)  
Vehicle Parking Standards (Supplementary Planning Document)  
Warwickshire Landscape Guidelines SPG  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Affordable Housing (Supplementary Planning Document - January 2008)  
Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)  
Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)

It was the officer's opinion that the proposals were considered to provide a high quality residential environment in accordance with the garden suburbs principles, including an appropriate mix of market and affordable housing and acceptable dwelling house and layout design solutions, including public open space, relevant to this particular phase of the development. The scheme, therefore, complied with the policies listed.

Following consideration of the report and presentation, the Committee determined the application could be granted subject to the conditions stated in the report plus an additional condition for rain harvesting and a rainwater system.

**Resolved** that W14/1054 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) P-1-01 (co) Rev B, Drg No.27 Rev D, Drg No.28 Rev D, AAH5230-20 REV A, , P-06, P-07, P-09, P-13, P-13, P-13-1, P-13-2, P-13-3, P-16, AAH5230-03 REV B, AAH5230-19, AAH5230-18 REV A, AAH5230-17 REV A, AAH5230-07 REV C, AAH5230-04 REV C, AAH5230-05 REV C, AAH5230-15 REV C and specification contained therein, submitted on 11/07/14, 13/10/14, 30/10/14 and 03/11/14, except as required by condition 2. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (2) the development shall be carried out only in full accordance with sample details of the

## PLANNING COMMITTEE MINUTES (Continued)

facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **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 DP1 of the Warwick District Local Plan 1996-2011;

- (3) the development shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011;
- (4) the landscaping scheme submitted as part of the application hereby permitted shall be completed, in all respects, not later than the first planting season following the completion of each phase of the development hereby permitted. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted.  
**Reason:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011; and
- (5) a condition relating to rainwater harvesting and rainwater system - wording of this condition to be determined by Planning Officers.

(The Chairman adjourned the meeting at 10.45 pm)

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

Resumption of the adjourned Planning Committee meeting held on Wednesday 12 November 2014 in the Town Hall, Royal Leamington Spa at 6.08 pm.

**Present:** Councillor Rhead (Chairman); Councillors Boad, Mrs Bromley, Mrs Bunker, De-Lara-Bond, Doody, Wilkinson and Weber.

Apologies for absence were received from Councillors Brookes, MacKay and Williams.

Declarations of interest had been submitted at the beginning of the meeting held on Tuesday 11 November, however, they were repeated for the benefit of the public present at the reserve night.

### **113. W14/1263 – Folly Barn, Kites Nest Lane, Beausale**

This item was withdrawn prior to the meeting and would be dealt with under delegated powers.

### **114. W14/1138 – St Nicholas Park, Banbury Road, Warwick**

The Committee considered an application from 2<sup>nd</sup> Warwick Sea Scouts for the demolition of the existing headquarters building and the erection of a replacement headquarters building with additional boathouse, boat yard and slipway.

The application was presented to Committee because Warwick District Council had an interest in the land and because an objection had been received from Warwick Town Council.

The officer considered the following policies and guidance to be relevant:

#### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)

#### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

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

NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

HS1 - Protecting Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

National Planning Policy Framework

Sustainable Buildings (Supplementary Planning Document - December 2008)

An addendum was circulated at the meeting which detailed further public responses, comments from the Conservation Advisory Forum and the Warwickshire Garden Trust.

It was the officer's opinion that the location of the new headquarters building would not have a detrimental impact on the character and appearance of the park or the Conservation Area due to being read against the existing leisure centre. The proposed new boat house and boat yard was located within the area of the existing headquarters building and therefore would not have any additional harm on the neighbouring properties. Furthermore, it was considered that with the relocation of the headquarters towards the north side of the park, the existing parking issues would be significantly reduced. The proposals were, therefore, in accordance with the aforementioned policies.

The following people addressed the Committee:

Mrs Warburton, a local resident, in objection; Mr Pitchford, the applicant and Councillor Mrs Bromley, Ward Councillor, in objection to the application.

Having addressed Members, Councillor Mrs Bromley left the room for the remainder of the debate.

Members applauded the work undertaken by the 2<sup>nd</sup> Warwick Sea Scouts and were pleased that the existing storage area would be returned to its original state.

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

The Committee had some concerns about the removal of the skate park, the screening of the security fencing and the problems associated with car parking, especially along Pickard Street.

Mr Pitchford was asked by the Chairman to clarify the reasons for having to use the Pickard Street entrance. He assured that the group recognised local concerns and he explained the different times such as when the scouts would go on camp and how emergency vehicles may need to access that area if necessary. Mr Pitchford also confirmed that by moving the main headquarters building, the group would start and end its meetings there and the most accessible car park for parents to collect their children was the main public car park.

The Members were assured that officers were working closely with each other with regard to the relocation of the skate park and this was also interwoven with the work coming forward as part of the Leisure Centre proposals.

With regard to the landscaping and screening of the new buildings and storage areas, Members agreed that an informative could be added to request that the details be finalised in consultation with the Chairman of Planning Committee.

An additional condition was also agreed to request that the Sea Scouts produced a management plan, outlining how they were planning on managing the parking issues.

The Chairman requested that conditions 3 and 9 of the report be strengthened by amending the wording to read "no development shall proceed until".

**Resolved** that W14/1138 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings [nos. 22013-1401-201B; 2013-1401-202 B; 2013-1401-203 A; 2013-1401-204 A; 2013-1401-205 A; 2013-1401-206; 2013-1401-211 D; 2013-1401-212 B; 2013-1401-213 A; 2013-1401-214] submitted 22nd August 2014 and the Protected Species Survey by Philip Irving dated June 2014 submitted on 28th July 2014, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1

## PLANNING COMMITTEE MINUTES (Continued)

and DP2 of the Warwick District Local Plan 1996-2011;

- (3) no development shall proceed until details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed security fencing to be erected, specifying the colour of the railings and gates; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the either the proposed headquarters or boat house and boat yard hereby permitted; and all planting including the replacement tree planting as stated within the Arboricultural inspection and report dated 21st May 2014 shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) 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 DP1, DP2, DP3 and DP11 of the Warwick District Local Plan 1996-2011;
- (4) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in

## PLANNING COMMITTEE MINUTES (Continued)

Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by any retained 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 be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (5) the development hereby permitted shall not commence unless and until two weeks' notice in writing of the start of 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 complete in full accordance with the approved details and shall not be removed or altered in any way without the prior written approval of the local planning authority. 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



## PLANNING COMMITTEE MINUTES (Continued)

with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

- (6) the development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **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 DP1 of the Warwick District Local Plan 1996-2011;
- (7) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (8) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-

## PLANNING COMMITTEE MINUTES (Continued)

balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

- (9) no development (including any works of demolition) shall proceed until a construction and demolition method statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: any temporary measures required to manage traffic during construction; measures to control noise and light nuisance; the parking of vehicles of site operatives and visitors and details of the turning within the site during construction; dust suppression; demolition or clearance works; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011; and
- (10) the 2<sup>nd</sup> Warwick Sea Scouts will provide a management plan, outlining how they will manage the parking issues.

Councillor Boad arrived during the course of the objector's speech and did not take any part in the discussions or vote on the proposal.

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

### **115. W14/1198 – 2 Gerrard Street, Warwick**

The Committee considered an application from Mr and Mrs Middlebrook for the erection of two, three bed dwellings with associated car parking and external works after demolition of part of an existing boundary wall, fronting Gerrard Street.

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

The officer considered the following policies and guidance to be relevant:

#### The Current Local Plan

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)  
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)  
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

#### The Emerging Local Plan

DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)  
H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)  
HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

Residential Design Guide (Supplementary Planning Guidance - April 2008)

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

Vehicle Parking Standards (Supplementary Planning Document)  
Distance Separation (Supplementary Planning Guidance)  
Open Space (Supplementary Planning Document - June 2009)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
National Planning Policy Framework

An addendum was circulated at the meeting which detailed a comment from the Conservation Advisory Forum.

It was the officer's opinion that the main issues relevant to the consideration of the application were the principle of the development, the impact on the character and appearance of the Conservation Area, the impact on neighbouring properties, the impact on highway safety & parking, renewables and health and wellbeing.

With regard to the principle of the development, policy UAP1 of the Warwick District Local Plan 1996-2011 stated that residential development would be permitted on previously developed land and buildings within the confines of the urban areas. The proposal accorded with this and was acceptable in principle.

It was considered, taking into account the previous permissions which granted permission for a large detached dwelling on a similar footprint and the partial removal of a section of the existing wall, that the current proposals would not have a detrimental impact on the setting and appearance of the Conservation Area and the neighbouring listed buildings. It was also noted that the Conservation Officer had not objected to the proposal.

Due to the application not having a greater footprint or height than the previous approval, it was considered that the proposal would not have an unacceptable harm on the living conditions of the neighbouring properties.

With regard to parking, the Highway Authority initially objected, however, the proposal had been amended to provide a widened access and a parking layout that accorded with the criteria stated above. The objection had been withdrawn and the proposal was considered acceptable.

Finally, the Sustainable Building Statement submitted with the application stated that the properties would be installed with air source heat pumps and they would be located on the roof of the dwellings on a flat section of roof between two ridges. No details had been submitted, however, this could be controlled by a suitably worded condition.

Having taken the main issues into account, the proposal was considered to accord with the policies listed and was acceptable.

The following people addressed the Committee:

Ms Smith, a local resident, in objection to the application; and Mr Mackay, representing the views of the Conservation Advisory Forum, in objection.

The Committee agreed that a site visit could have proved useful and were concerned at the loss of views, highlighted by the objector. However,

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

Members were reminded that the permission approved in 2008 had been for a building of a similar scale and mass and, although the permission had lapsed, it was still a material consideration.

However, Members felt that two dwellings was overdevelopment of the site and the design and layout was incongruous with the other buildings on the street. The removal of the wall was also discussed along with the proposed parking arrangements which Members felt were too tight and would be difficult to manoeuvre in and out of.

Members agreed that this was a sensitive area of Warwick especially being in the vicinity of medieval buildings and Warwick Castle.

It was therefore proposed, and duly seconded, that the application be refused because it was contrary to policy DP1, it was felt that two dwellings was overdevelopment of the site and it was incongruous with the other buildings and not in keeping with the other buildings. Members were concerned about the removal of the boundary wall and embankment and noted the comments of the Inspector in the previous appeal decision in this regard.

The vote was tied four votes to four, and was carried using the Chairman's casting vote.

**Resolved** that W14/1198 be **refused** for the following reasons:

The proposal was contrary to policy DP1 (Layout and design), the inclusion of two dwellings was overdevelopment of the site and was incongruous with the other buildings and not in keeping with the other buildings. Members were concerned about the removal of the boundary wall and embankment and noted the comments of the Inspector in the previous appeal decision in this regard.

### **116. W14/1453 – 134 Warwick Road, Kenilworth**

The Committee considered an application from Mrs Phillips for the erection of a single storey side and rear extension and one and two storey rear, and side, extension. Also change of use from Use Class C3 (single dwelling house) to Use class D1 (complementary health practice) at ground floor and a two bedroom apartment at first floor.

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

The officer considered the following policies and guidance to be relevant:

National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

## PLANNING COMMITTEE MINUTES (Continued)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)  
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)  
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

Sustainable Buildings (Supplementary Planning Document - December 2008)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
The 45 Degree Guideline (Supplementary Planning Guidance)  
Vehicle Parking Standards (Supplementary Planning Document)

An addendum was circulated at the meeting which detailed three further letters and a petition, objecting to the application, along with no objection from the Highways Authority.

It was the officer's opinion that the proposal was considered unlikely to lead to significant harm to highway safety, visual or neighbouring amenity, and the benefits of the scheme were not outweighed by any likely adverse impacts, therefore the proposal would comply with paragraph 14 of the NPPF.

The following people addressed the Committee:

Mr Stone, in objection and Mrs Phillips the applicant.

Members were concerned that there had been an unpleasant campaign against this applicant and her business and were content that the parking issues had now been resolved.

**Resolved** that W14/1453 be **granted** subject to the following conditions:

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

## PLANNING COMMITTEE MINUTES (Continued)

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) 1692 PL02 Rev.G and 1692 PL03 Rev. F submitted on 30 September 2014, and specification contained therein.  
**Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (4) the use of the ground floor of the property hereby permitted shall be as a complementary health practice only, and for no other purpose within Use Class D1. **Reason:** Since the proposed use is only considered acceptable in the particular circumstances of this case, and an alternative D1 use could have a greater impact on neighbouring amenity or parking;
- (5) prior to the occupation of the development hereby permitted, the first floor windows in the side elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured

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

glazed window(s) shall be retained and maintained in that condition at all times.

**Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011;

- (6) the uses hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.
- (7) the access to the site for vehicles shall not be used unless the existing public highway footway crossing has been extended, laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** To ensure adequate access in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011; and
- (8) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

### **117. W14/1422 – Cornerways, Rookery Lane, Lowsonford**

The Committee considered an application from Miss Jennens for the erection of a replacement garage with room over with link to main dwelling.

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

The officer considered the following policies and guidance to be relevant:

National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)



## PLANNING COMMITTEE MINUTES (Continued)

- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

It was the officers opinion that the proposed replacement garage and utility room link extension were considered to be of acceptable design and scale which would not impact adversely on the character or appearance of the street scene and did not substantially impact on the amenity of neighbouring properties, the Green Belt or the Conservation Area which would support a reason for refusal.

The Committee were satisfied with the report and therefore

**Resolved** that W14/1422 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and

## PLANNING COMMITTEE MINUTES (Continued)

approved drawings, and specification contained therein, submitted on 24th September 2014.

**Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

(Meeting ended at 8.05pm)

**Planning Committee:** 09 December 2014

**Item Number: 5**

**Application No:** [W 14 / 1340](#)

**Town/Parish Council:** Stoneleigh  
**Case Officer:** Jo Hogarth

01926 456534 jo.hogarth@warwickdc.gov.uk

**Registration Date:** 15/09/14

**Expiry Date:** 15/12/14

**Land north of Common Lane Kenilworth (Crackley Triangle)**

Erection of up to 93 dwellings together with open space, drainage infrastructure and access from Common Lane (outline application including details of access) (Resubmission of W/14/0618). FOR Bloor Homes Ltd & Bluemark Projects Ltd

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

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission for the development subject to the receipt of a satisfactory Section 106 Agreement and subject to the conditions listed. Should a satisfactory Section 106 Agreement not have been received by 15 December 2014, Planning Committee are recommended to delegate authority to the Head of Development Services to refuse planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

**DETAILS OF THE DEVELOPMENT**

This application is a resubmission of a previously refused application (reference W/14/0618) for outline planning permission with all matters apart from access reserved. It is for a development of up to 93 dwellings, open space and drainage infrastructure.

The applicants have sought to demonstrate that this current application addresses the reasons for the previous refusal through detailed explanation of how the access onto Common Lane would work and through the provision of additional material in the form of visual images which include a landscaped 'mock up' view from the Green Way.

The proposed site access would operate by way of a three-arm junction through which traffic from only one arm of the junction would move at any one time. To achieve the access it is proposed to construct a new bridge structure on the bank of the railway cutting which will have a curved retaining wall on the Greenway side that will adjoin the existing bridge.

Public open space of 0.32 hectares is proposed, which includes landscaped areas each side of the site access and a central area including a children's play area and potential attenuation pond. At the north-eastern corner of the site is an attenuation pond which stands beyond the main development area of the site, within the adjoining arable field. A noise mitigation barrier is proposed along the eastern boundary of the site which would rise from 1m above ground at the southern end of the site to 2.5m above ground at the northern end of the site. Dwellings would be mainly 2 storeys with some 2.5 storeys.

The application is accompanied by extensive supporting documentation. This includes an Environmental Statement report dealing with transportation matters, a Planning Statement and Design & Access Statement which indicated that:

*"The proposed development will create housing choice and new amenity spaces for the existing and new community whilst improving public access across the site and to the wider pedestrian network. It will respect the local character, create integrated residential communities and provide a wide range of dwelling sizes, types and tenures which offer an accessible choice of lifestyles."*

The development would trigger the need for the following contributions to be secured under a Section 106 agreement. The heads of terms are as follows:

- Preparation and agreement with the local planning authority of an Employment & Training Strategy to link local people with employment, training and contract opportunities arising from the development during its construction phase.
- Preparation and agreement with the local planning authority of a Site Wide Infrastructure Design, Management and Maintenance Strategy for areas of public open space within the site which shall provide for public access to open spaces in perpetuity. Payment of the management/maintenance fees for 13 years from the date on which planning permission was granted. Payment of play area commuted sum.
- Requirement for payment of £157,258 for offsite provision of recreational/sport/play types of open space.
- Contribution of £6,000 per open market dwelling towards the cost of off-site highway improvement schemes as required by WCC Highways (Total £336,000)
- Contribution of £75 per dwelling towards Sustainable Welcome Packs to promote sustainable living and deliver road safety education (Total £6,975).
- Contribution of £784.61 per dwelling to fund improvements to indoor sports halls and swimming pools within Warwick District (Total £72,968.73).
- Contribution of £56.73 per dwelling to fund improvements to outdoor sports facilities within Warwick District (Total £5,275.89).
- Provision of 40% affordable housing.
- Contribution of £34,587.00 towards Warwickshire Police
- Contributions of £618,033.00 towards school places
- Contribution to fund the legal costs of the local planning authority in monitoring the agreement (the lesser of £30,000 or 1% of total of financial contribution).

- Contribution for providing biodiversity offsetting off site (amount yet to be determined).
- Contribution for providing library facilities (amount yet to be determined).

## **THE SITE AND ITS LOCATION**

The site was taken out of the Green Belt on 15 December 2008 by the High Court following a successful legal challenge to its inclusion. There is a thin long slither of land which is in the Green Belt and this runs along the eastern boundary of the site and the railway.

The site adjoins the north-eastern side of Kenilworth and forms a triangular piece of land between the railway cutting to the east and Kenilworth Greenway to the west. The Greenway is a linear country park, permissive bridleway, and Sustrans route 52. The site access currently consists of a farm gate set back from Common Lane, which is bridged at this point to pass over the railway line and Greenway.

The application site consists of agricultural land and is within the open countryside designation in the Local Plan. It covers a total of 3.22 ha. The field immediately to the north is which is separated by a hedge line containing two TPO oak trees is within the Green Belt, and there are strips of Green Belt land each side of the southern tip of the site. This boundary is also the Parish boundary between Kenilworth and Stoneleigh. The application site includes a parcel of land within this field measuring approximately 120m by 60m (0.72ha.). The western and eastern boundaries generally consist of dense tree lines.

On the opposite side of the railway are dwellings on Highland Road, and on the opposite side of the Greenway are dwellings on Woodland Road. The application site adjoins the residential curtilage of one dwelling on Redthorne Grove where there are TPO oak and horse chestnut trees close to the site boundary.

The entire site is within Flood Risk Zone 1. The site slopes in a north easterly direction from the south, from 92m AOD to 79m AOD towards the Canley Brook. Most of the site is Grade 2 (Very Good) agricultural land with the remainder Grade 3 (Good/Moderate). The site is within the Feldon Parklands local landscape character area.

The site is within the open countryside allocation of the current Local Plan where rural area policies apply. The site is included in the Draft Local Plan as an allocated housing site for 90 dwellings (map 5 in the Warwick District Policies Map). The safeguarding route of HS2 lies 320m to the north-east.

## **PLANNING HISTORY**

Planning permission was refused in 2003 (W/03/1255) for a 20m high telecommunications mast due to adverse visual impact.

The previous application (ref: W/14/0618) was refused at Planning Committee on grounds that the development created a contrived vehicular access, disrupt the free flow of traffic, especially emergency vehicles and cause unacceptable loss of visual amenity in particularly when viewed from the Greenway.

### **RELEVANT POLICIES**

- National Planning Policy Framework

#### The Current Local Plan

- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

#### The Emerging Local Plan

- Warwick District Local Plan 2011-2029 Publication Draft - published April 2014. Relevant policies: DS2, DS3, DS5, DS6, DS7, DS10, DS11, HO, H1, H2, H4, SC0, BE1, BE2, BE3, TR1, TR2, TR3, TR4, HS1, HS4, HS5, HS6, HS7, CC1, CC2, CC3, FW2, FW3, FW4, HE6, NE2, NE3, NE4, NE5, W1, DM1.

#### Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Affordable Housing (Supplementary Planning Document - January 2008)

- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Warwickshire Landscape Guidelines SPG
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** Members could see no material difference or change from the previous application to which this Council objected and the Committee refused. Members maintained their objection and requested an explanation of why the application has been accepted. Members further noted that there is still no comment from County Highways on this application.

**Stoneleigh & Ashow Parish Council:** Objection:

This site is currently in Green Belt but it is identified for Green Belt release in the draft local plan. The Parish Council object to this application on the basis of the transport assessment, the traffic light configuration leading to standing traffic at peak times; impact on the rural nature of Common Lane; lack of parking, visual amenity as the site is elevated and suffers problems through flooding.

**Kenilworth Society:** The developers proposals for traffic light control and platooning of traffic are likely to hinder the emergency services and delay and limit this busy bus route. The site is 250m from the proposed HS2 route and engineering works are still not fully development and these are going to impact upon drainage and stream diversions.

**Ramblers Association:** The site is in a prominent location and if developed, then housing will be seen from long distance views as intruding into the skyline. However if consent is given a proposed footpath link onto the Green Way should be provided.

**Warwickshire Police:** Request contributions to the amount of £34,587 to mitigate the additional impacts of the application development because the existing infrastructures do not have the capacity to meet these.

**Natural England:** Refer to standing advice on protected species. Raise no objection.

**Cycleways:** Object as there is a lack of provision for cycling.

**WCC Archaeology:** No objection subject to conditions on written scheme of investigation and mitigation strategy.

**WCC Highways:** The applicants have submitted a Transport Assessment; it conforms to the Guidance on Transport Assessments and based on the Highways Authority's assessment it is considered that the document provides a robust assessment of the impact of the development upon the operation of the highway network within the vicinity. In conclusion it is considered that the proposed development will have a minimal impact. No objection subject is raised subject to conditions on a Construction Management Plan and access laid out in accordance with the plans. Request contributions of £6975.00 for sustainable travel packs (equating to £75.00 per household).

**WCC Physical Assets:** Request contributions of £618,033.00 towards the provision of school places.

**South Warwickshire NHS:** Request contributions to the sum of £100,921.84 towards the maintenance of care and to accommodate population growth.

**Fire Officer:** No objection subject to conditions on provision of adequate water supplies and fire hydrants.

**WDC Environmental Health:** Comment and suggest conditions on noise mitigation; a Construction Management Plan and conditions of land contamination.

**WDC Community Protection:** No objection on grounds of flooding, suggest conditions relating to SUDs drainage systems, plans to show drainage systems and catchment areas.

**WDC Contract Services:** No objection, comment on the issuing of wheelie bins.

**WDC Housing Strategy:** 40% of the proposed dwellings would be required to be affordable to meet Policy SC11, or 37 out of 93 and the affordable mix would be in accordance with the affordable housing need previously identified and discussions with the applicant are on going.

**Public response(s):** 32 Letters of objection on grounds that the use of traffic lights will in convenience road users, cause light and air pollution. There are drainage issues within this area and flooding; the additional houses will exacerbate this. There will be issues regarding drivers wishing to exit their driveways with queuing traffic jams. Impact on wildlife as this is a very environmentally sensitive area. There are no immediate facilities such as schools, shops.

## **ASSESSMENT**

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

- the principle of development;



- the impact on the living conditions of nearby dwellings;
- noise;
- air quality;
- Green Belt impact;
- landscape impact;
- impact on trees and hedgerows;
- traffic impact / highway safety;
- the impact on local services;
- the ecological impact of the proposals;
- drainage and flood risk
- Loss of agricultural land
- Health and Wellbeing
- Other matters

## **The Principle of the Development**

### Five year housing supply

The site is within open countryside adjoining the edge of the urban area, where the relevant Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing. The proposals would be contrary to Policy RAP1. However, the National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies for the supply of housing should *not* be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. Whilst the Council can demonstrate a five year supply against the requirements of the revoked Regional Spatial Strategy 2008, these requirements do not reflect the most up-to-date evidence in terms of objectively assessed housing need. In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply.

The latest Five Year Housing Land Assessment (July 2013) indicates that the housing land supply is 2.8 years.

However, the latest assessment (November 2014) indicates this figure to now be 4.5 years as large housing schemes have been recently granted. Nonetheless, this still leaves a shortfall in relation to the five year requirement. Accordingly Policy RAP1 is clearly out of date and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. That means granting planning permission unless either:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- or
- specific policies in the NPPF indicate development should be restricted.

The parts of the application site that are within the Green Belt are subject to the more stringent tests under paragraph 87 of the NPPF, which states that inappropriate development is by definition harmful to the Green Belt, and should not be approved except in very special circumstances. This is a specific policy in the

NPPF that indicates development should be restricted, therefore, for those parts of the site that are within the Green Belt, this policy carries more weight than the test required under paragraph 14 and provides the decision making context. The areas of Green Belt consist of a slither along the western boundary with the Greenway containing part of the access, and a marginally wider strip along the eastern boundary that extends to the rear of gardens on Highland Road, and the area containing the attenuation pond at the northern boundary. The attenuation pond and access, as engineering operations preserves the openness and do not conflict with the purposes of including land in the Green Belt, and are therefore not inappropriate (full details would be required under a reserved matters application).

The scheme will contribute towards helping the Council meet its five year requirement and granting outline permission for this site would increase the supply of land for housing. This carries significant weight in the assessment of this application. While the Council has no control over whether a site will be delivered, it is nevertheless reasonable to assume that a site with planning permission would be deliverable with a realistic prospect that development on this site would be achievable within a five year period.

#### Current policy position

The current Local Plan covered the period 1996-2011 and therefore makes no provision for future housing needs. This forms the Development Plan, which decisions should be made in accordance with, unless material considerations indicate otherwise. The NPPF is a material consideration, as are other policies under preparation such as the Draft Local Plan.

This site is allocated for residential development in the Draft Local Plan and the proposals accord with Draft Policy DS11. The site allocation includes the land within the Green Belt on the eastern side of the site. Some weight is attached to the Draft Local Plan due to its early stage in the planning process and this represents the Council's current preference for development based on the most up to date evidence base.

The Joint Strategic Housing Market Assessment (2013) established the Objectively Assessed Housing Need in the Housing Market Area which includes Warwick District. The need for Warwick District is for 12,860 homes or 720 homes per annum between 2011 and 2013. The interim level of growth previously adopted was 12,300, based on previous available evidence including the 2012 Strategic Housing Market Assessment (SHMA). However, the Inspector considering Coventry's Core Strategy requested that Coventry City Council withdraw their Core Strategy in order to work with other councils in the sub-region in preparing a joint SHMA.

The Draft Local Plan contains justification for the development of land within/ adjoining settlements, as it will not be possible to provide sufficient land for the new housing growth within the existing urban area, so it will be necessary to allocate new development on green field and Green Belt sites.

## Prematurity

The scale of the development does not raise issues of prematurity in relation to the progress of the publication of the Draft Local Plan, due to its size. The development of the application site would not prevent any other development sites identified in the Draft Local Plan from coming forward and it is not dependant on, nor incompatible with, any other development sites which have been or are being considered. On this basis the development of the application site would not prejudice the outcomes of the preparation of the Local Plan and it could not therefore be demonstrated that permission should be refused on the grounds of prematurity.

## Assessment of the proposed housing provision

In terms of the type of housing being provided, 40% would be affordable and the affordable mix would be in accordance with the affordable housing need previously identified by the Housing Strategy Officer (50% social rented; 30% affordable rented; 20% intermediate tenure/shared ownership). The size and type of the affordable dwellings would be subject to further consideration under a reserved matters application, but the indicative mix of housing types also meets the requirements.

In terms of the market housing being provided, this would also be subject to consideration under a reserved matters application, and would be required to accord with the Development Management Guidance on Achieving a Mix of Market Housing by condition.

Complying with these requirements in terms of the affordable and market housing mix, sizes and house types, would comply with Policy SC1 which requires a range of sizes and types of dwelling and SC11 which requires 40% affordable housing and provision in accordance with local needs. The NPPF (para.50) sets out the need to “plan for a mix of housing based on current and demographic trends, market trends and the needs of different groups in the community”. The granting of outline consent would significantly increase the supply of land for meeting the unmet market and affordable housing needs of the District and would therefore represent a key benefit of the scheme

## **Impact on the living conditions of nearby dwellings**

The proposed development would be situated to the west and east of dwellings on Woodland Road and Highland Road, and to the south-east of dwellings in Redthorne Grove. Houses in Woodland Road are separated from the site by the Greenway, and those in Highland Road are separated by the railway line, both of which have substantial hedges and trees along side. These nearby dwellings also have a variety of trees and hedges within their own boundaries. The nearest dwelling to the site is 5 Redthorne Grove which is a large modern detached house with substantial protected trees near its rear boundary. The indicative layout would be subject to separate assessment under a reserved matters application, but this shows dwellings

positioned in this rear corner of the site with rear gardens abutting the shared boundary. Such a layout would comply with the Council's Distance Separation Standards SPD and which would ensure an acceptable standard of amenity. A scheme to incorporate suitable protection measures for the TPO trees will also be required, along with suitable landscaping between the site and this neighbour, and also to the Greenway. The provision of new dwellings alongside existing dwellings would not lead to unacceptable standards of amenity, subject to the approval of detailed layouts and design, and loss of view is not a planning matter.

The Environmental Health Officer recommends a condition for a construction management plan to minimise disturbance to surrounding residents.

### **Noise**

The application was accompanied by a Noise Assessment. This identifies the railway line as the main source of noise. The Noise Assessment concludes that noise mitigations measures will be required to ensure that the site is suitable for development. This will vary across the site, but includes a noise barrier of variable height along the eastern boundary of the site (1m to 2.5m high) and acoustic glazing and ventilation to certain properties. These measures will adequately mitigate any noise for future occupiers and take into account the predicted increases in rail traffic over the next decade (32%). Environmental Health have not raised an objection on these grounds, subject to a condition to require a scheme to be submitted to protect residents of the development from traffic noise.

### **Air quality**

Environmental Health consider that the attraction of additional vehicles to the application site will inevitably lead to an increase in vehicle emissions in the area. Environmental Health have recently published the WDC Air Quality Planning Policy Guidance which recognises the impact of road transport emissions creep due to the aggregated impact of development schemes. The policy requires developers to use 'reasonable endeavours to minimise emissions and, where necessary, offset the impact of development on the environment'. This assessment is currently being undertaken and Members will be updated at the planning committee meeting. This assessment will then be conditioned.

### **Green Belt impact**

The indicative layout shows there may be some rear gardens serving the proposed dwellings within the narrow strip of Green Belt land on the eastern side of the site. The applicant submits that these will not harm openness or the function of the wider Green Belt land to the north of the site, and it is considered that, these matters, along with the circumstances that lead to this small area being removed from the Green Belt, constitute very special circumstances to justify the proposal for this small area of development. This is the only potential housing site adjoining Kenilworth and is therefore an allocation in the Draft Plan. As such it is considered

that these matters constitute very special circumstances sufficient to outweigh any harm to the openness of the Green Belt.

### **Landscape impact**

In terms of existing landscape character, the Warwickshire Landscape Guidelines include the application site within the Arden character area and the Arden Parklands landscape type. The Guidelines advise that this landscape type is characterised by an enclosed, gently rolling landscape defined by woodland edges, parkland and belts of trees.

The site is visible from the adjoining residential development and open countryside to the north where levels rise. The local topography, vegetation and existing urban development visually contain the site and limit views of the site from the south, west and east, although there are close up views of the site through gaps in the boundary vegetation along the adjacent greenway to the west. The site is also visible from the bridge that takes the Greenway over the A429 and therefore it is recognised that there will be some impact on the landscape.

The planning application was accompanied by a Landscape and Visual Appraisal. This proposes a landscape and visual strategy for the site which includes locating an area of open space in the southern part of the site and the enhancement of the creation of landscape buffers along the northern and eastern boundaries of the site. These measures have been developed to take account of the fact that the main views of the site are from the countryside to the north and the fact that there is a view corridor from the north in which the southern part of the site can clearly be seen. Proposed landscape mitigation is in the form of a landscape buffer along the north-eastern boundary which will enhance the existing hedgerow and trees, along with a buffer along the railway boundary to the east, all of which would utilise indigenous species. These mitigation measures would be required to form part of any reserved matters submission.

Taking into account the proposed mitigation measures and the housing needs of the District it is considered that the benefits of securing 93 new dwellings to contribute towards housing needs in the District are considered to outweigh the limited landscape harm that has been identified. Furthermore, development on the application site presents the only opportunity for Kenilworth to be enlarged.

### **Impact on trees and hedgerows**

The proposed site access would require the removal of a 14m sycamore tree, a 12m poplar and part of the mixed group of 5-10m high planting on the Greenway embankment. Further 14-16m trees and 8m high hedging would be removed on the eastern boundary, where it is proposed to provide replacement buffer planting at the end of rear gardens. This is also where the acoustic fence is proposed. All remaining trees would be protected during construction. Given the substantial amount of tree cover that surrounds the site generally, it is considered that the proposals including mitigation would not lead to unacceptable loss of trees.

## **Traffic impact / highway safety**

The proposed access would be gained off Common Lane where it should be noted that an access to the land already exists at this location in the form of a dropped kerb and gate. The access arrangements proposed the implementation of a signalised junction to enable traffic to safely and efficiently enter and exit the development site whilst minimising the impact upon the operation of the highway network.

The movement of traffic would operate through the junction as follows:

- From the west arm (Coventry Road end)

On the green signal, traffic moves from the traffic light stop line in an easterly direction and then either accesses the site by way of a left-hand turn, or continues straight on past the bend in the road and in a south-easterly direction towards Dalehouse Lane.

- From the northern arm (site entrance)

The traffic light stop line is set back into the site and on the green signal, traffic moves in a southerly direction towards the junction and then turns either left or right onto Common Lane. If no cars are waiting to leave the site then traffic flows on Common Lane will be maintained in an alternate south east/west direction. Traffic flows on Common Lane will only again be interrupted when there is a vehicle waiting to exit the site.

- From the south-east arm (Dalehouse Lane end)

On the green signal, traffic moves from the traffic light stop line in a north-west direction past the bend in the road and then either accesses the site by way of a right hand turn or continues straight along Common Lane.

In response to this arrangement, the Highways Authority comment that the operation of the traffic signalised access will only allow traffic to travel in one direction; this will remove the existing two way traffic flow which currently exists which raises significant safety concerns, especially with larger vehicles which utilise both sides of the carriageway at this location. The stop lines will be set back as far as possible to remove the pinch points created by the bridge. Highways acknowledge that the applicant and their consultants have undertaken robust modelling which demonstrates that the junction will operate adequately and not lead to detrimental impact to highway safety or introduce unacceptable delay to the highway network.

Local fears have been raised regarding the impact that the proposed arrangements would have on traffic flows; however, unless the residual cumulative impact of the development is severe, the NPPF advises that planning permission should not be refused on highway grounds (para. 32).

With respect to emergency vehicles accessing the site should it become obstructed, for example through a broken down car, Highways have commented that an

agreement has been made with the developer to ensure that the footway be constructed to a width of 2.2 metres and to be built to a standard which would allow emergency vehicles to utilise the footway without damaging the surface.

### **Impact on local services and infrastructure**

The proposed development would create significant additional demand for local services and there have been a number of requests for contributions towards community facilities, as listed under the details of development.

Having considered the available evidence, the requested contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 93 dwellings on this site would have a material impact on / or need for affordable housing, education, health care, open space, rights of way, sports facilities, monitoring costs, employment/training for locals and highway matters. This a particular issue given the cumulative impact that is expected from the substantial level of housing growth proposed across the District. It is reasonable to expect a development of this size to contribute towards the additional costs associated with meeting these increased demands. The relevant consultees have identified specific projects and locations where this money would be spent. Therefore it is considered that all of the contributions listed above are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development (as required by Regulation 122).

### **Ecological impact**

The development will result in the loss of existing wildlife habitats, however, the developer is willing to enter into a S106 to secure biodiversity offsetting, which would accord with the NPPF requiring all developments to result in a net biodiversity gain. WCC Ecology have advised that the development would be acceptable, subject to various conditions, including a requirement for a Construction and Environmental Management Plan to be produced, which would include measures for the protection of all notable and protected species that have been identified on site.

### **Drainage and flood risk**

The site is situated within Flood Zone 1, therefore, the site is considered to be suitable for residential development from a flood risk point of view. The proposed attenuation pond would discharge surface water at a controlled rate to the Canley Brook which passes through the applicant's land, who has a riparian right to discharge here. Prior consent of the Environment Agency will be required. The existing sewerage system does not have sufficient capacity to receive foul water from the development, therefore the proposal would be to improve existing systems to deal with the additional load. There has been no objection from the Environment Agency, Severn Trent Water or the Council's Community Protection team. All of

these consultees are satisfied that the drainage and flood risk information that has been submitted with the application is sufficiently detailed for these outline proposals. Conditions are recommended to require further details as part of any reserved matters submission. The attenuation basin and upstream drainage systems are intended to be maintained by a private management company therefore the S106 does not need to include payment for maintenance of drainage systems.

### **Loss of agricultural land**

Paragraph 112 of the NPPF states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Paragraph 112 goes on to state that, where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

Looking first at whether development of agricultural land is necessary, this is demonstrated by the pressing need for housing in the District and the lack of a 5 year supply of housing land. The housing needs of the District will not be met without developing significant areas of agricultural land.

Turning to the requirement for local planning authorities to seek to use areas of poorer quality land in preference to that of a higher quality, it must first be acknowledged that much of the agricultural land adjoining the urban area of Warwick and Leamington is classified as the best and most versatile agricultural and / or is situated within the Green Belt. Meeting the housing needs of the District and complying with Green Belt restrictions will inevitably require development on areas of the best and most versatile agricultural land.

### **Health and wellbeing**

It is recognised that the new access arrangements for the site will provide benefits for the Greenway in that it will provide greater vigilance and safety in the form of overlooking, thereby reducing the potential for anti-social behaviour and will create an environment which increases the potential for cyclists who utilise the route.

### **Other matters**

There are no designated heritage assets that would be affected, and WCC Archaeology are satisfied that suitable conditions could be imposed to protect potential archaeological deposits.

### **SUMMARY/CONCLUSION**

Due to the Council's lack of a five year supply of housing land, Local Plan Policy RAP1 is out of date. Therefore the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states at paragraph 14 that where the development plan policies are out of date, permission



should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

There are three dimensions to sustainable development: economic, social and environmental. The development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Business would also benefit economically through the provision of highway network improvements. Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs, the provision of open space, and improvements to shared infrastructure. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, provision of open spaces, sustainable drainage measures and improved footpath/cycle way links. The site is in a sustainable location adjacent to the urban area and will be integrated into the existing settlement by sustainable transport links. It is therefore concluded that the development represents sustainable development by satisfying the three dimensions identified in the NPPF.

It has been concluded that any issues of concern that have been raised can be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities, and the provision of new infrastructure by way of financial contributions. It has also been concluded that very special circumstances have been demonstrated to justify the inappropriate development in the small areas of the site that are in the Green Belt.

The development is considered to comply with all current Local Plan policies aside from RAP1, which the NPPF advises cannot carry any weight. Furthermore the development is considered to comply with the policies of the NPPF, taken as a whole. The presumption in favour of sustainable development carries substantial weight, as does the contribution the development would make to the provision of housing to meet the needs of the District. The allocation of this site for housing in the Draft Local Plan also carries some weight. It is therefore concluded that planning permission should be granted.

## **CONDITIONS**

- 1 This permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-
  - (a) layout
  - (b) scale
  - (c) appearance
  - (d) landscaping

**REASON** : To comply with Section 92 of the Town and Country Planning Act 1990 as amended.

- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later.  
**REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (B.0292\_13, B.0292\_13-2 461095-003 Rev.H, 461095-014 submitted on 25 September 2014 and 10 November 2014. Tree removal and tree protection plan Figure 2 submitted on 25 September 2014), and specification contained therein. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 5 Prior to the submission of any Reserved Matters applications for any phase of development:
  - a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work across this site shall be submitted to and approved in writing by the local planning authority.
  - the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI is to be undertaken. A report detailing the results of this fieldwork is to be submitted to the local planning authority.
  - An Archaeological Mitigation Strategy document shall be submitted to and approved in writing by the LPA. This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation.

No development shall take place until any fieldwork detailed in the approved Archaeological Mitigation Strategy document has been completed to the satisfaction of the Planning Authority. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Mitigation Strategy document. **REASON:** In order to ensure any remains of archaeological

importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.

- 6 No development shall take place under any relevant phase of development until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

- (a) low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps;
- (b) the brightness of lights should be as low as legally possible;
- (c) lighting should be timed to provide some dark periods; and
- (d) connections to areas important for foraging should contain unlit stretches.

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 so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011.

- 7 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

**REASON :** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 8 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to

and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter.

**REASON:** To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan.

- 9 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 submitted to and approved in writing by the local planning authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 10 The development hereby permitted (including demolition) shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan.
- 11 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 pond, wildflower grasslands, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net bio-diversity gain in

accordance with the National Planning Policy Framework (NPPF).

12 The development hereby permitted shall not commence until: -

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

demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

**REASON:** To safeguard health, safety and the environment in accordance with Policies DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011.

- 13 The development hereby permitted shall not commence until a scheme detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 14 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **REASON:** In the interests of fire safety.
- 15 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of noise, vibration, dust, dirt and light during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

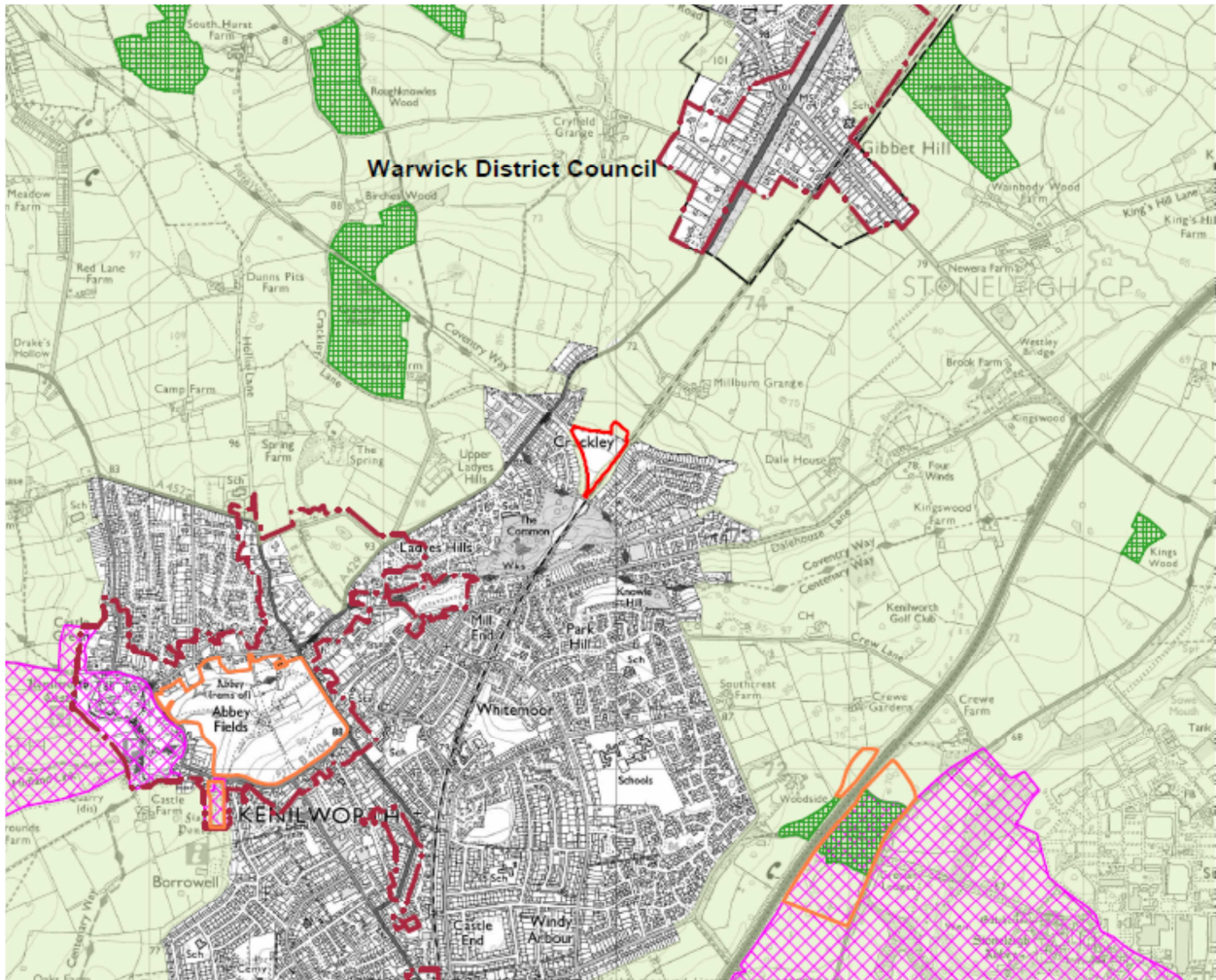
- 16 No development shall take place unless and until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.
- 17 The development hereby permitted shall be carried out in strict accordance with a drainage scheme and details of the following that shall have been submitted to and approved in writing by the local planning authority:
- The applicant is to provide detailed design plans showing the existing and proposed foul & surface water drainage systems for the site, showing the location of yard and road gullies, manhole's, soak ways, septic tanks, cess pits and pipes including size, shape, material, fall and level in relation to ground and building levels. This should include a manhole schedule.
  - The applicant is to provide detailed engineering drawings of the proposed attenuation pond and any other SUDS features incorporated into the design of the site. This should include vehicle and pedestrian access to the proposed attenuation pond to allow for maintenance crews to access the area to maintain control structures and the pond.
  - Where works are located within 8m of the watercourse the applicant must obtain land drainage consent from the Environment Agency
  - The applicant is to obtain discharge consent from the Environment Agency as part of the application.
- REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
- 18 Prior to any development commencing on site, full details of the design and appearance, including materials, of the bridge access into the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the occupation of the development. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 19 Any landscaping (other than the planting of trees and shrubs) approved under condition 1, including boundary treatment, paving and footpaths,

shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

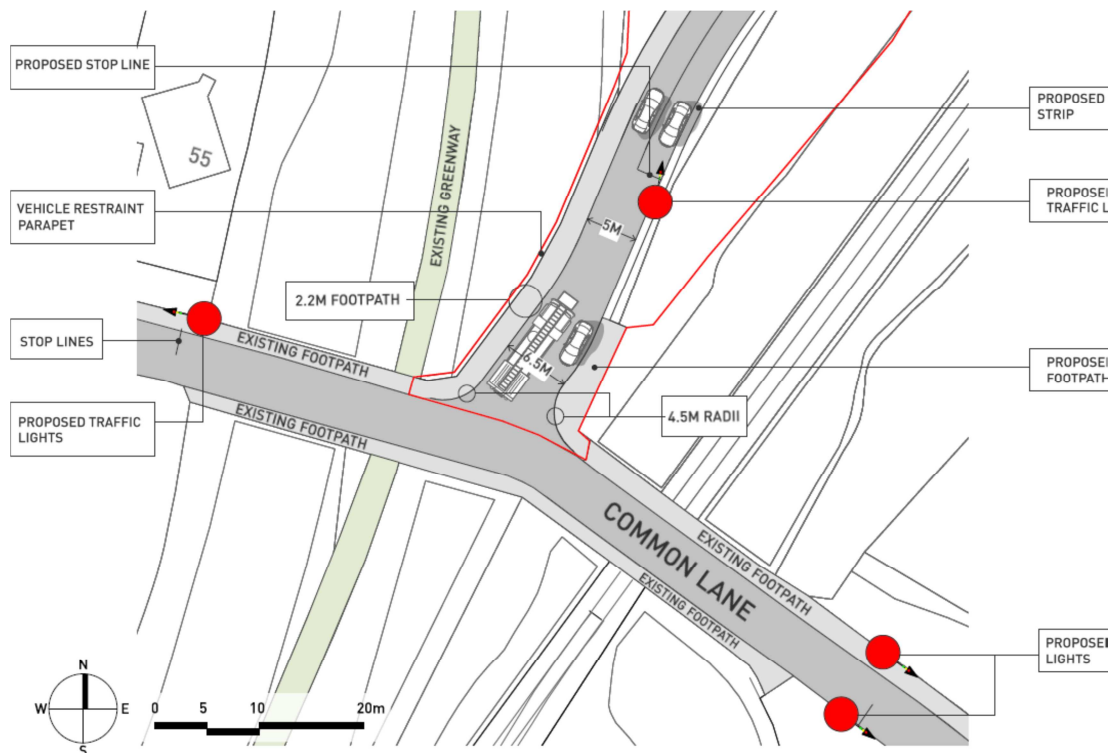
- 20 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 21 The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites". **REASON:** To ensure that the housing meets the needs of the District as required by Local Plan Policy SC1 and the NPPF.
- 22 No construction will be undertaken until a Construction Management Plan, which must contain a Construction Phasing Plan and HGV routing plan has been submitted and approved by the local planning authority. **REASON:** In the interests of highway safety, in accordance with Policy DP6 in the Warwick District Local Plan 1996-2011.

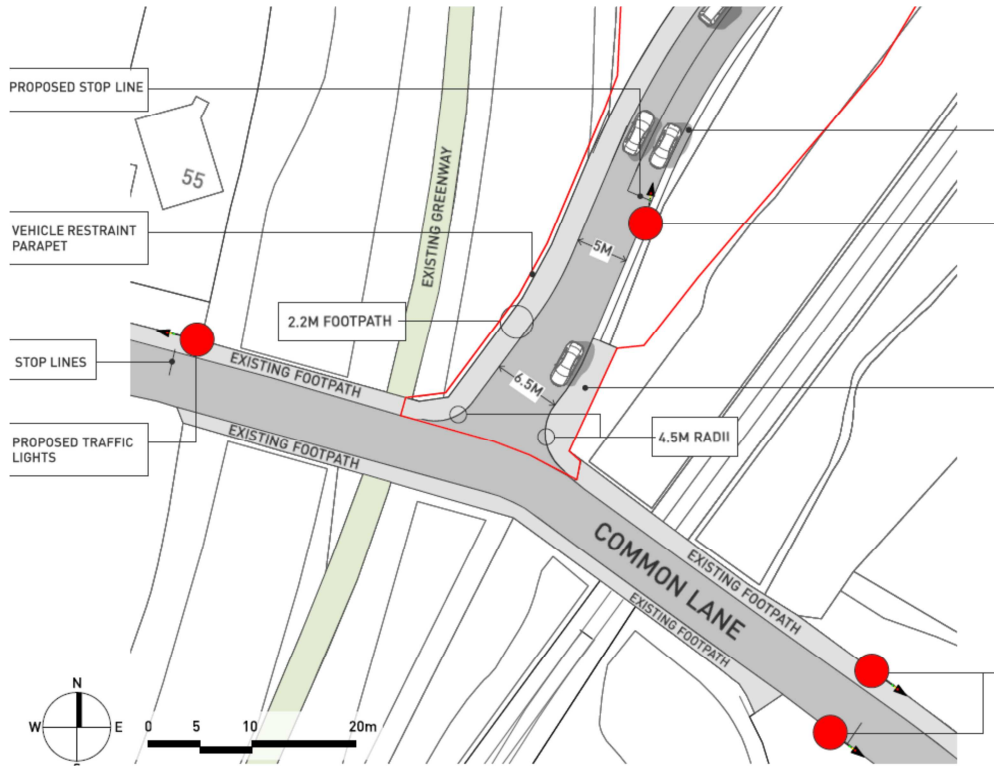


- 23 Prior to the commencement of the development (not including alterations to the bridge structure), the access to the site from Common Lane shall be constructed, located and laid out in general accordance with drawing number 461095-003 Rev 1 (*Minor alterations may be required during the detailed design process*). **REASON:** In the interests of highway safety, in accordance with Policy DP6 in the Warwick District Local Plan 1996-2011.
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**Application No:** [W 14 / 1546](#)

**Town/Parish Council:** Old Milverton  
**Case Officer:** Sally Panayi

01926 456541 Sally.Panayi@warwickdc.gov.uk

**Registration Date:** 21/10/14

**Expiry Date:** 16/12/14

**Quarry Cottage, Old Milverton Lane, Old Milverton, Leamington Spa,  
CV32 6RW**

Erection of single storey rear extension FOR Mr Hughes

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

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission subject to the recommended conditions.

**DETAILS OF THE DEVELOPMENT**

The application is for a single storey rear extension with the same footprint area and in the same location as similar extensions which can be built under the extended permitted development rights regime.

The structure extends 7.760 metres on the southern elevation and 7.995 metres on the northern elevation, beyond the original rear wall of the dwelling, 8.3 metres in width and with a maximum height to the dual pitch roof of 4.0 metres. The plans were originally submitted with a tiled pitch roof, however, amended plans altered the roof materials to zinc.

The only difference between this proposal and the extension which can be built under permitted development rights is the removal of a 50mm separating the extension into 2 parts and the use of materials which differ from the construction of the original dwelling.

**THE SITE AND ITS LOCATION**

Quarry Cottage is a detached dwelling on the western side of Old Milverton Lane located within the Green Belt. The dwelling has been extended previously.

**PLANNING HISTORY**

Planning permission was previously granted for extensions and alterations in 1976 and 2003. In 2014, following the submission of a prior approval notification, it was determined that extensions very similar to those proposed now did not require planning permission.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

## **SUMMARY OF REPRESENTATIONS**

**Old Milverton and Blackdown Joint Parish Council:** Object. There are no special circumstances for developing this site within the Green Belt and the proposal is therefore not in accordance with the NPPF. The property has already been almost doubled in size. The extensions are inappropriate for the style of the cottage. It is noted that a garage will not be required in the future.

**County Ecology:** Comments as per previous withdrawn application W/14/1024. Recommend that a bat condition and a note relating to nesting birds as a protected species is attached to any planning approval granted.

## **ASSESSMENT**

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

### **The Principle of the Development**

The proposed development would further extend this substantially enlarged property in a manner which would result in an overall increase in its size of 138% relative to the original dwelling and would therefore comprise inappropriate development in the Green Belt.

However, a material consideration in the assessment of this proposal is the fact that the extension of this property in the manner proposed could be undertaken as permitted development albeit including the introduction of a 50mm gap to create 2 structures. The omission of that gap (as proposed here) has little effect on the overall visual impact of the proposal within the surrounding area.

Therefore whilst the proposed development comprises inappropriate development within the Green Belt, it is so similar to a proposal that could be constructed without planning permission that in practice in the particular circumstances of this case, there is not considered to be an objection in principle.

### **The impact on the Character and Appearance of the Area**

The single storey rear extension is not seen from the road and has no impact on the appearance of the area from a public viewpoint. There is a limited view of the extension from the neighbouring dwelling located over 50 metres to the north, Quarry Lodge.

The materials to be used for the construction of the extension are facing brickwork to match the original dwelling. The roof is indicated to be a standing seam zinc roof. A similar roofing material has been used on the Quarry buildings to the south west of the site which have been converted from agricultural buildings to offices. While the proposed material is not a traditional finish for a cottage, it is not considered to be inappropriate in this rural location and will make a distinction between the original dwelling and the single storey addition.

### **The impact on the living conditions of nearby dwellings**

There is no material impact on neighbouring properties as a result of the proposed development.

### **Car Parking and Highway Safety**

The proposed extension does not increase the car parking requirement for this property. There is no garage facility within the curtilage but there is adequate parking space existing and available to meet the requirements for the property. The existing access to the dwelling is unchanged.

### **Renewable Energy**

The extension would trigger a requirement for the provision of renewable energy in accordance with Policies DP12, DP13 and the Sustainable Buildings SPD, which can be secured by condition.

### **Ecological Impact**

There are records of bats in the area, as a result it is recommended that a condition is imposed to ensure a precautionary approach is taken, and destructive works to the roof are undertaken in the presence of a qualified bat worker in case bats are found.

## Health and Wellbeing

N/A

### **SUMMARY/CONCLUSION**

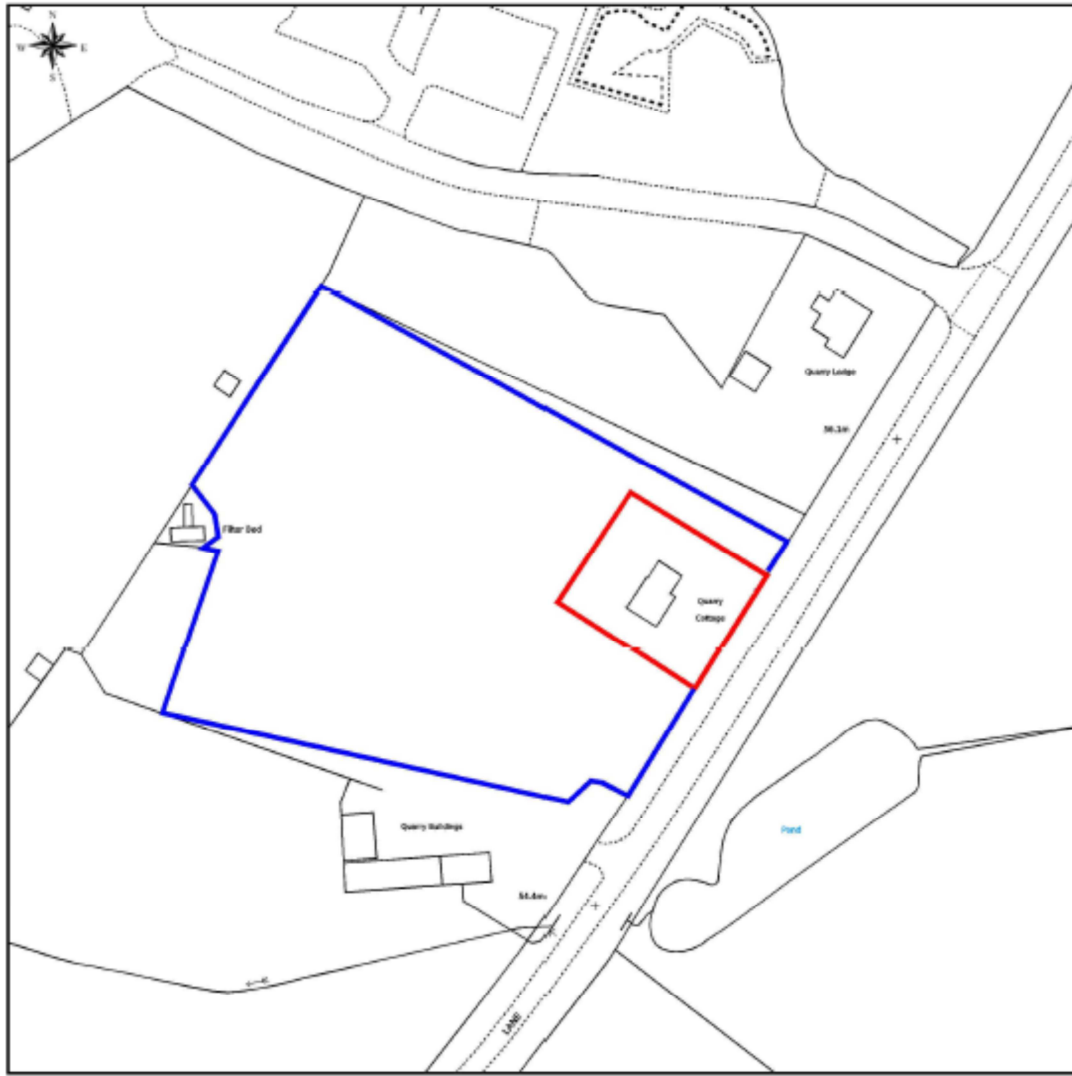
In view of the particular circumstances of this case, the proposal is considered to be acceptable.

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 40A submitted on 21st October 2014 and 41B submitted on 24th November 2014, and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building(s) and associated structures to be demolished. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings.

*Reason: To ensure that protected species are not harmed by the development.*

- 4 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **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 DP1 of the Warwick District Local Plan 1996-2011.





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**Planning Committee:** 09 December 2014

**Item Number: 7**

**Application No:** [W 14 / 1570](#)

**Town/Parish Council:** Leamington Spa

**Registration Date:** 27/10/14

**Expiry Date:** 22/12/14

**Case Officer:** Sally Panayi  
01926 456541 Sally.Panayi@warwickdc.gov.uk

**28 Clarendon Street, Leamington Spa, CV32 4PG**

Erection of first floor rear extension to existing HMO FOR KEYSTONE DEVELOPMENTS

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

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission, subject to the recommended conditions.

**DETAILS OF THE DEVELOPMENT**

The proposal is for the erection of a first floor rear extension, 4.525 metres in depth and 2.6 metres in width above the existing single storey flat roofed rear extension.

**THE SITE AND ITS LOCATION**

The application property is a two storey mid-terraced period dwelling with accommodation in the roofspace, located on the western side of Clarendon Street, within the Royal Leamington Spa Conservation Area. The application property is in use as a house in multiple occupation. The attached neighbour to the south, number 30, is a two storey dwelling, also in use as a house in multiple occupation. The single storey front extension to number 30 extends forward to the pavement and is in use as a hairdresser's salon. The attached neighbour to the north is a three storey bay fronted rendered house occupied as a single family dwelling.

**PLANNING HISTORY**

There is no planning history relating to this property.

**RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**Leamington Town Council:** Resolved that an objection is raised for the following reasons: 1. The proposed extension is of a poor design and quality. 2. The proposal is overbearing in relation to neighbouring properties and an over-development of the site. 3. The development creates unacceptable loss of light and privacy to the neighbours. 4. Concern was expressed over the concreting of the back garden. 5. The drawings were inadequate and there were a number of inaccuracies on the plans. 6. The Town Council wishes to receive the comments of the Conservation Officer.

**Warwickshire Police:** No objection

**Highway Authority:** No objection

**Private Sector Housing:** This is an existing licensed HMO. The proposals are acceptable from a housing standards perspective. The room arrangements will be improved and the property will retain a second bathroom. A new licence will be required from the new owner, prior to occupation.

**Public Response:** The neighbour at 26 Clarendon Street has objected on the grounds of design, loss of privacy and loss of light.

## **ASSESSMENT**

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

- Principle of the Development
- The impact on the character and appearance of the area
- The impact on the living conditions of nearby dwellings

- Car parking and highway safety
- Renewable energy
- Health and Wellbeing

### **The Principle of the Development**

The principle of a first floor rear extension is acceptable within the residential area. The proposal will add an additional bedroom to an established HMO. However, as the use is already established the principle of use is not an issue for this application.

### **The impact on the character and appearance of the area**

The proposed first floor extension is designed to extend the form of the existing rear wing at first floor with a mono pitch roof sloping to the south towards the neighbouring property at 30 Clarendon Street. The existing rear extension is a flat roofed structure. The rear of this property is not seen from the street and as a result the proposal has no impact on the street scene. The Council's Conservation Officer is happy with the proposal, subject to the use of traditional materials and a timber window, which can be secured by condition.

### **The impact on the living conditions of nearby dwellings**

The neighbour at 30 Clarendon Street has a two storey rear extension to the original rear wing of the property. The relationship between this neighbour and the application site is such that there is no material impact by the addition of a first floor above the existing single storey structure.

The neighbour at 26 Clarendon Street has a two storey rear extension beyond the original depth of the rear wing. The building has a mono pitch roof form with the slope towards the application site. The flank wall of this neighbouring extension appears to have been built as a party wall. The proposed extension which projects 1.6 metres beyond the rear wall of the neighbouring extension, complies with the 45 degree line taken from the quarter point of the ground floor kitchen window on the rear elevation of number 26. The proposed first floor extension is therefore considered to have an acceptable impact on the light and outlook to this kitchen window.

### **Car parking and highway safety**

The addition of one bedroom to the dwelling is considered unlikely to create a significant increase in vehicular movements. The application site is located in a highly accessible and sustainable location, close to bus stops and within walking distance of the town centre. The Highway Authority acknowledges that parking is available and raised no objection to the proposed extension.

### **Renewable energy**

Given the limited scale of the development proposed there is no requirement to provide renewables in this case.

## Health and Wellbeing

N/A

## Other Matters

Environmental Health commented that the proposal is acceptable from a housing standards perspective. The room arrangements will be improved and the property will retain a second bathroom.

## **SUMMARY/CONCLUSION**

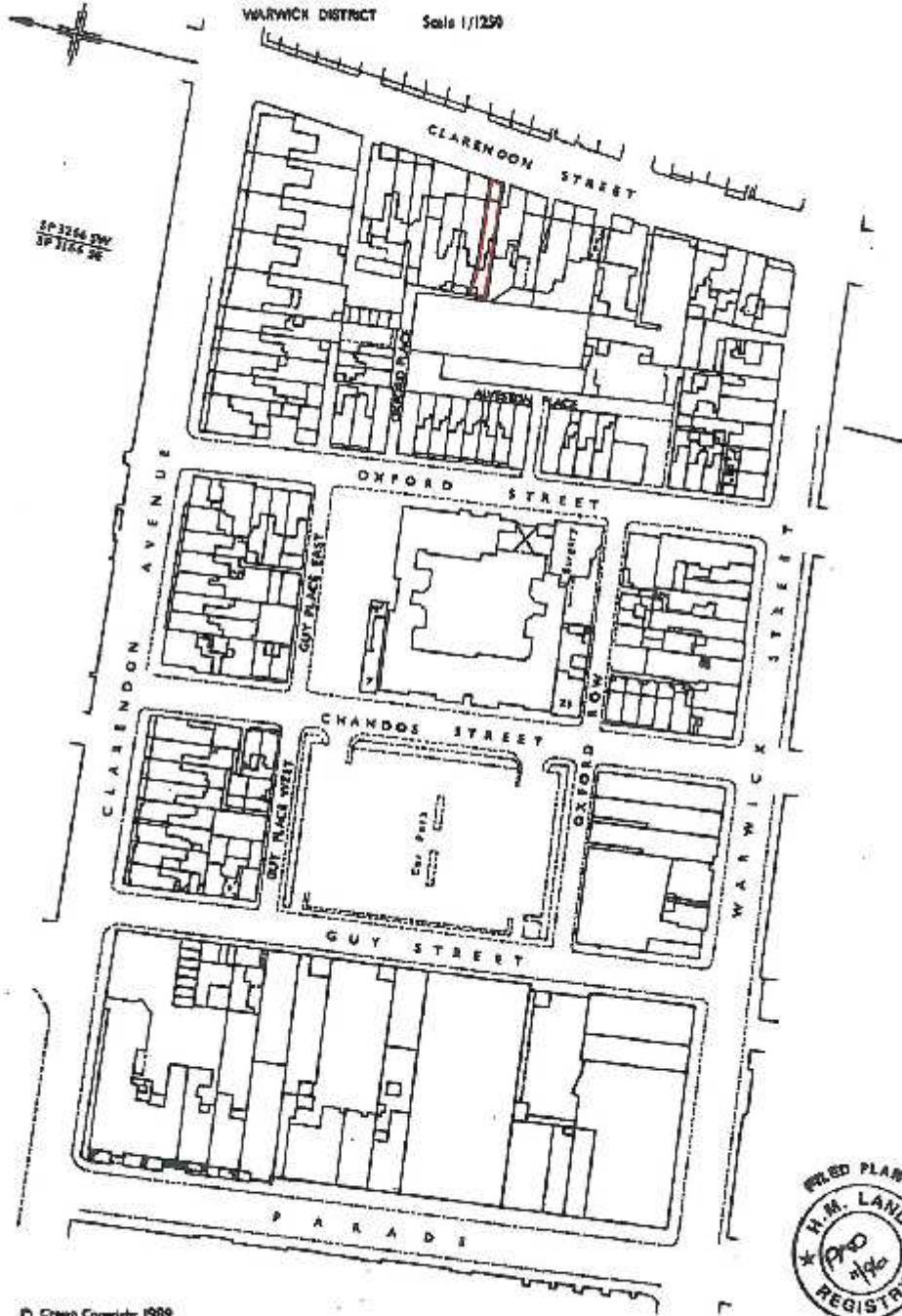
In the opinion of the Local Planning Authority, the proposed extension is acceptable in principle and will provide an appropriate design solution that will not affect neighbouring amenity. The proposal is therefore considered to comply with the policies listed.

## **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 4425-01, and specification contained therein, submitted on 27th October 2014. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
  - 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011.
  - 4 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
-

H. M. LAND REGISTRY

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WARWICKSHIRE  
WARWICK DISTRICT Scale 1/1250



SP 3166 SW  
SP 3166 SE

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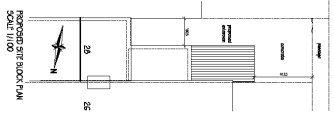
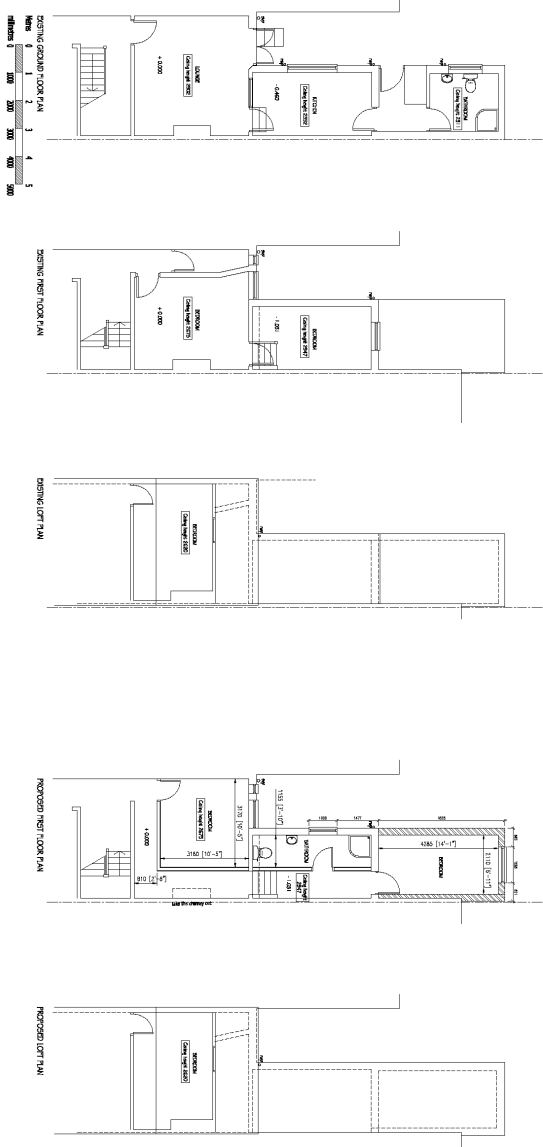
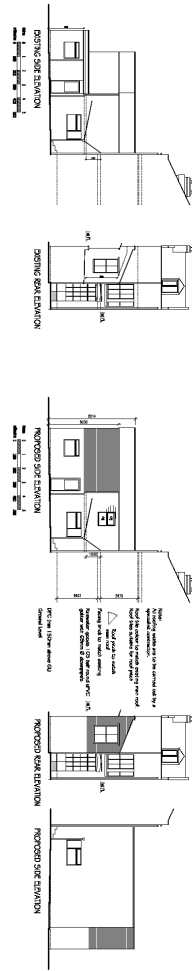


TITLE No. WK 366366

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Item	Material	Quantity	Unit	Notes
1	Reception Counter	1	Linear Meter	See Section 1/10
2	Reception Counter	1	Linear Meter	See Section 1/10
3	Reception Counter	1	Linear Meter	See Section 1/10
4	Reception Counter	1	Linear Meter	See Section 1/10
5	Reception Counter	1	Linear Meter	See Section 1/10
6	Reception Counter	1	Linear Meter	See Section 1/10
7	Reception Counter	1	Linear Meter	See Section 1/10
8	Reception Counter	1	Linear Meter	See Section 1/10
9	Reception Counter	1	Linear Meter	See Section 1/10
10	Reception Counter	1	Linear Meter	See Section 1/10

**Planning Committee:** 09 December 2014

**Item Number: 8**

**Application No:** [W/14/1684](#)

**Town/Parish Council:** Budbrooke

**Registration Date:** 19/11/14

**Case Officer:** Helena Obremski

**Expiry Date:** 14/01/15

01926 456531 Helena.Obremski@warwickdc.gov.uk

**Hampton View, Henley Road, Hampton On The Hill, Budbrooke, Warwick,  
CV35 8QX**

Erection of single storey link building between existing cottage and existing ancillary building (resubmission of W/14/1438) FOR Mr Nils Purser

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This application has been requested to be presented to Planning Committee by Councillor Sawdon.

**RECOMMENDATION**

Planning Committee are recommended to refuse planning permission, for the reason set out at the end of this report.

**DETAILS OF THE DEVELOPMENT**

The applicant seeks to erect a single storey link extension between the main dwelling house and a large single storey outbuilding, with a lantern roof light and "green" roof. The proposal is the same as in application ref: W/14/1438 which was previously withdrawn so that the Ward Councillor could have the opportunity to call the application to the next Committee Meeting.

**THE SITE AND ITS LOCATION**

The application property is a detached dwelling with driveway parking to the front and side of the property. The site runs alongside the busy Henley Road. The nearest neighbour is sited approximately 250 metres away to the South on top of rising land and the site is surrounded by agricultural land. There is a large, single storey "L-shaped" outbuilding to the rear of the property which was constructed under permitted development rights. However, under planning permission W/10/1583 permitted development rights were subsequently removed for development within Classes A and B to control future development. The site is washed over by Green Belt.

**PLANNING HISTORY**

W/77/1082 - application granted for a two storey rear extension.

W/81/0987 - application granted for the erection of a flag pole and front hard standing with vehicular access.

W/81/1001 - application granted for the erection of a freestanding greenhouse.  
W/81/0186 - application granted for the rebuilding of existing garage to form workshop, W/C and garage.

W/84/1122 - application refused for the erection of a garage and laundry room with additional bedroom and bathroom over.

W/87/0613 - application granted for the erection of a garage and utility room.

W/10/1583 - application granted for a first floor rear extension and increase in roof height.

W/14/1438 - application withdrawn for a proposed link extension to join the main dwelling to an existing outbuilding.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

### **SUMMARY OF REPRESENTATIONS**

**Councillor Sawdon** - Requested that the application be determined by Planning Committee

## **ASSESSMENT**

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

- Whether the proposal would constitute appropriate development in the Green Belt and, if not, whether there are any very special circumstances to outweigh the harm by reason of inappropriateness or any other harm
- The impact on the character and appearance of the area.
- The impact on the living conditions of nearby dwellings.
- Parking.
- Renewable Energy.
- Ecological Impact.
- Health and Wellbeing.

### Green Belt

The NPPF states that extensions within the Green Belt should not result in disproportionate additions over and above the size of the original building and Local Plan policy RAP2 and emerging Local Plan policy H14 reinforce this by stipulating that proposals should retain the visual dominance of the original dwelling, the openness of the rural area and not alter the scale, design or character of the original dwelling. Paragraph 8.25 of the existing Local Plan policy RAP2 goes on to state that extensions which represent an increase of over 30%, excluding any outbuildings, would be considered disproportionate in the Green Belt.

Previous extensions to the application property represent an increase in gross floor space above the original dwelling of approximately 100%. In determining the application in 2010, the LPA considered that as previous development had been somewhat concealed by rendering the whole property, that granting the proposal to increase the roof height and add a first floor extension would still retain the visual dominance of what then appeared to be the "original" dwelling. This permission was also conditioned to remove the rear structure which was in disrepair to mitigate some of the impact on the openness of the Green Belt. In addition, the permitted development rights for development within Classes A and B were also removed by condition, as the LPA considered that it would not be appropriate for further extensions to be built which would be inappropriate in the Green Belt.

The addition of a link extension between the existing dwelling and the existing outbuilding, as proposed, would when taken together with the previous extensions, represent an increase in gross floor space above the original dwelling by almost 390%. The cumulative impact of the previous extensions has already impacted on the scale and character of what was originally a very modest property. The addition of the proposed link would further destroy the character of the original dwelling and drastically alter the scale and would give the impression of a sprawling development. The openness of the Green Belt would be reduced.

The proposed development would be inappropriate development in the Green Belt which would be both harmful by definition and by reason of its impact on openness. The NPPF states that substantial weight should be given to any harm

to the Green Belt and inappropriate development should not be approved except in very special circumstances. The applicant has put forward the following reasons why the application should be approved: 1. The functionality of the site would be increased as a result of the link; 2. It would greatly improve the energy efficiency of the main dwellinghouse and link; 3. By using a flat "green" roof a contrast is maintained between the main dwelling and the outbuilding; 4. Dense vegetation would screen the impact of the proposed development.

The reasons put forward have been considered, but are not considered to constitute the very special circumstances required to outweigh the harm identified.

For the aforementioned reasons, the proposal is therefore considered to be contrary to current Local Plan policy RAP2, emerging Local Plan policy H14 and the NPPF.

#### The impact on the character and appearance of the area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 1996 - 2011 Policy DP1 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 Emerging Local Plan 2011 - 2029 Policy BE1 echoes the existing Local Plan and calls for development to be constructed using the appropriate materials and to enhance the existing settlement. In addition, the Residential Design Guide SPG 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 importance features; respecting the surrounding buildings and using the right materials.

Due to the length, size and mass of the existing outbuilding, the proposed link which would then create a single dwelling structure, would result in an extension which would be out of proportion to the main dwelling. It is therefore considered that the proposal fails to respect the existing property in terms of scale and massing and cannot be considered a modest or subservient development when read against the main property, as required by the Residential Design Guide. The proposed development is not considered to respect the main dwelling and therefore, is not considered to comply with the NPPF, current Local Plan policy DP1, emerging Local Plan Policy BE1 and the Residential Design Guide SPG.

#### The impact on the living conditions of nearby dwellings

Warwick District Council's adopted Local Plan Policy DP2 and emerging Local Plan Policy BE3 require all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a requirement for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

The nearest neighbour is some 250 metres away from the application property and there will be no material impact on this neighbour as a result of the proposed development. The proposal is considered to comply with existing Local Plan policy DP2 and emerging Local Plan BE3.

### Parking

The proposal will increase the total number of bedrooms in the dwelling from two to four. It is considered that there is sufficient off-street parking to the front of the property and that the proposed development would comply with current Warwick District Council Local Plan Policy DP8, emerging Local Plan policy TR4 and the Council's adopted Vehicle Parking Standards SPD.

### Renewable Energy

Due to the scale of the proposed link when considered independent of the outbuilding, it is considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables in accordance with existing Local Policy DP13, emerging Local Plan policy CC2 and the associated SPD would not be appropriate.

### Ecological Impact

WCC Ecology have not commented on this application site and there will be no impact on the main roof of the house, therefore, this application in its present form is acceptable and complies with existing Warwick District Council policy DP3 and emerging Local Plan policy NE2.

### Health and Wellbeing

N/A.

## **CONCLUSION**

In conclusion, the proposed link between the main dwelling and outbuilding is not considered to be of acceptable design and would represent a disproportionate addition to the application property which would be harmful to Green Belt and would warrant reason for refusal of the application.

## **REFUSAL REASONS**

- 1 The property, subject of the application, is within the Green Belt, wherein the Local Planning Authority is concerned to ensure that the rural character of the area will be retained and protected in accordance with national policy guidance contained in the National Planning Policy Framework (NPPF). The NPPF states that the limited extension of existing dwellings in Green Belt areas may be appropriate provided that it does not result in a disproportionate addition over and above the size of the original dwelling. Policy RAP2 of the Warwick District Local Plan 1996-2011 seeks to prevent extensions to dwellings which substantially alter the scale, design and character of the original dwelling and indicates that extensions which are greater than 30% of the floor area

of the original dwelling are likely to be considered disproportionate.

In the opinion of the Local Planning Authority, it is considered that the proposed development would radically alter the scale and character of the original dwelling, thus constituting a disproportionate extension and consolidation of a residential property which would constitute inappropriate development in the Green Belt harmful by definition and also by reason of a material loss of openness of this part of the Green Belt. The proposal would therefore be contrary to the aforementioned policy and the NPPF.

- 2 The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development. Furthermore, Warwick District Council's Local Plan 1996 - 2011 Policy DP1 requires all development to respect surrounding buildings in terms of scale, height, form and massing. In addition, the Residential Design Guide SPG sets out principles to be followed in order to achieve good design.

In the opinion of the Local Planning Authority, due to the length, size and mass of the existing outbuilding, the proposed link which would then create a single structure, would result in an extension which would be out of proportion to the main dwelling and would give the impression of a sprawling development. It is therefore considered that the proposal fails to respect the existing property in terms of scale and massing and cannot be considered a modest or subservient development when read against the main property, as required by the Residential Design Guide SPG. The proposed development is not considered to respect the main dwelling and is therefore considered to be contrary to the aforementioned policies.

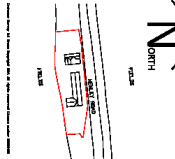
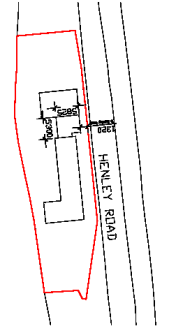
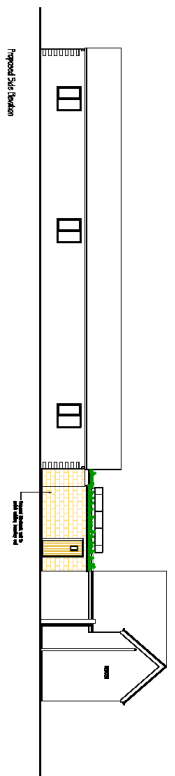
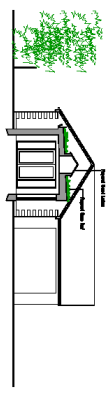
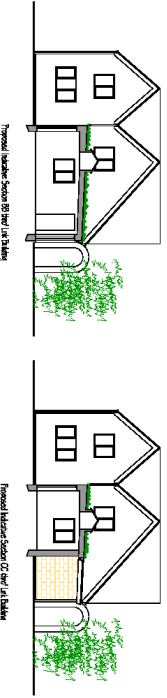
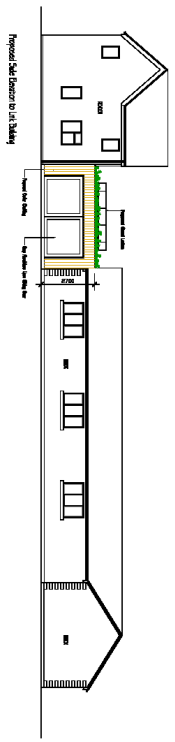
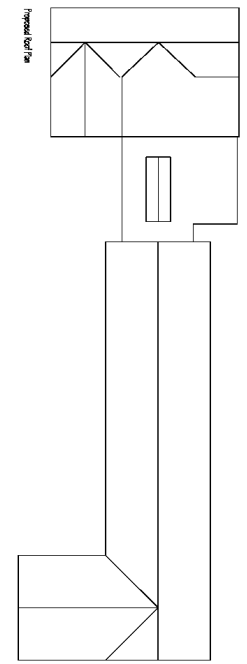
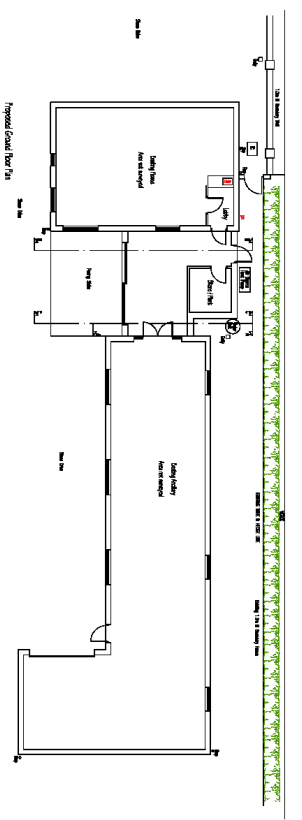
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1. To be used in conjunction with the Planning and Building Regulations.
2. To be used for the purpose of illustrating the proposed extension or existing alterations.
3. To be used for the purpose of illustrating the proposed extension or existing alterations.
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8. To be used for the purpose of illustrating the proposed extension or existing alterations.



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 E: info@architecturalvisiodesigns.co.uk

Client: Mr & Mrs Pinner  
 Date: 23.03.2014  
 Drawn By: [Name]  
 Checked By: [Name]

Project: Proposed Plans & Elevation  
 Proposed extension at Hampton View, Henley Rd,  
 Henley-on-Thames, Oxfordshire, OX8 9JX  
 Scale: 1:100 & 1:1250 (as A1)

Project Ref: AVD-HRH-PL01

Proposed extension at Hampton View, Henley Rd, Hampton-on-the-Hill

**Application No:** [W 14 / 1513](#)

**Town/Parish Council:** Whitnash

**Registration Date:** 17/10/14

**Case Officer:** Robert Mason

**Expiry Date:** 12/12/14

01926 456521 robert.mason@warwickdc.gov.uk

**Land at, Fieldgate Lane, Whitnash, Leamington Spa**

Details of the appearance, landscaping and scale of the proposed 7 residential dwellings and associated infrastructure. FOR Bovis Homes Ltd

-----

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

**RECOMMENDATION**

Planning Committee is recommended to GRANT the reserved matters application, subject to conditions.

**DETAILS OF THE DEVELOPMENT**

The applicant has submitted a reserved matters application for the development of the area in the north west corner of the site which would be final section to be undertaken after the main contractors compound has been removed.

The application involves a similar layout and housing mix to that applied for in the previous application for the larger site, however it now is for 7 dwellings rather than 6 due to the siting of an affordable 2 bed bungalow having been changed to a pair of 2 bed affordable houses. This does not result in any more dwellings on the site as a whole. The only other change is in the house types, however there is no change in the size of each house in terms of the number of bedrooms. The adoptable access road has been omitted from the application site. Three of the dwellings would have chimneys as originally proposed in the previous application.

The Design and Access Statement describes how the whole development contains a hierarchy of roads and pathways designed using a variation in width and materials to encourage low speeds, has a comprehensively designed landscaping scheme, with public open space placed for ease of use, dwellings that will follow a scale that is in keeping with the adjacent landscape, and a wide range of house types which will create a broad based community and will allow families to move within the scheme as needs and aspirations change with time. The current application involves the implementation of these principles on a small part of the site.

The applicant has submitted a Specialist Golf Report in support of the application. The key finding states that the existing Target Line as the datum and calculated the distances and angles of deviation to those places, which are as follows:

- Practice green 247/290 yards 6°
- End of Golf Lane 190 yards 14°
- Existing property 245 yards 20°
- Proposed build line 150/190 yards 24°

Research into shot dispersal in the USA has found that 92% of all shots struck with any club fall within a cone of 15° either side of the target line. The incidence of shots falling outside this cone (8%) diminishes rapidly above 20°.

The number of errant-struck shots which could reach the proposed new housing would therefore be negligible, and no measures should be necessary.

This application has been submitted because when the reserved matters application on the remainder of the site was approved by the Planning Committee on 22nd July 2014 the dwellings in this area were omitted from the scheme in order to overcome the objection from the Golf Club regarding the safety of future residents from errant-struck golf balls. It is understood that this matter has now been resolved and the Golf Club has informed the Council that it no longer has an objection to this issue.

## **THE SITE AND ITS LOCATION**

The whole development site consists of 3.95 hectares of grassland south of the residential area north of Fieldgate Lane. To the east, the Chiltern Railway line runs on an embankment with open countryside beyond, to the west is Golf Lane, which at this point is a narrow track/bridleway with the Leamington and County Golf Club beyond, and to the south is essentially open countryside with some large residential properties.

The site's ground levels rise in a southerly direction towards a large residential property adjoining the southern boundary. There are trees and some sections of hedgerow along the northern and western boundaries. There is also a hedge and some Poplar trees on the western side of Golf Lane.

This application site consists of approximately 0.38 hectare of land in the north west corner of the field which was omitted from the previous application for the approval of reserved matters at the Planning Committee following an objection from the Leamington and County Golf Club. The Location Plan shows two separate areas with red line boundaries. The area to the south consists of just one dwelling and will be separated from the area to the north by an access road.

The application site will be used initially as the contractor's compound for the remainder of the site.

## **PLANNING HISTORY**

**W/13/0858** - Outline planning permission granted subject to s.106 agreement. Access details were approved with an entrance from Fieldgate Lane. The indicative plan showed 94 houses in the draft layout.

**W/14/0142** - A separate application was submitted for the Variation of Condition 7 of the Outline Permission regarding sustainable energy provision - Refused.

**W/14/0216** - Reserved matters application for 111 houses and flats, consisting of 67 market houses and 44 affordable dwellings - Withdrawn.

**W/14/0922** - Planning application submitted by Leamington and County Golf Club for the erection of 30 metre high golf netting along part of its eastern boundary with Golf Lane - Withdrawn

**W/14/0775** - Reserved matters application for 111 houses and flats, consisting of 67 market houses and 44 affordable dwellings  
- Approved except for houses in the north west corner of the site which were removed from the application at the Planning Committee.

## **RELEVANT POLICIES**

### The Existing Local Plan

- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

## The Emerging Local Plan

Warwick District Local Plan 2011-2029 Publication Draft - published April 2014.  
Relevant policies: DS2, DS3, DS5, DS6, DS7, DS10, DS11, HO, H1, H2, H4, SC0, BE1, BE2, BE3, TR1, TR2, TR3, TR4, HS1, HS4, HS5, HS6, HS7, CC1, CC2, CC3, FW2, FW3, FW4, HE1, HE6, NE2, NE3, NE4, NE5, W1, DM1.

## Guidance Documents

- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- National Planning Policy Framework
- Affordable Housing (Supplementary Planning Document - January 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**Whitnash Town Council:** Objection - Whitnash Town Councillors object to this planning application as there is already planning permission for the original plan. This is over development by stealth, un-neighbourly and that they should stick to original plan and not increase the number of houses .

**Housing Strategy Officer:** No objection

**Warwick District Council Contract Services:** Advise on the requirements for bin collection

### **Highway Officer**

The layout of the proposed development is considered acceptable to the Highway Authority. One visitor parking space was initially omitted, however following discussions with the applicant this has now been included on a revised plan. The Highway Authority's response is one of no objection subject to conditions.

**Drainage Officer:** No objection subject to conditions

### **Assessment**

#### Housing Mix

As stated above, although the house types submitted under this application slightly defer from those originally submitted, the number of each house size remains the same in terms of the number of bedrooms. Examples of the proposed house types have already been approved on the rest of the site. It is

considered therefore that application complies with Adopted Local Plan Policy SC1.

#### Affordable Housing

Two affordable houses have been included within the application boundary, however there is no change in the overall number, size and mix of these units which still accords with policy requirements of 40% of the total dwellings being affordable and the correct mix of social rent/affordable rent/shared ownership. The Housing Officer has confirmed that there is no objection on these issues. The management of the units is also covered by the existing Section 106 agreement with the Outline Permission.

#### Design

The ridge height of all the proposed houses will be less than 9 metres as per the stipulation in the Design and Access Statement approved with the Outline Planning Permission for the whole site. The applicant has submitted the same materials plan as the one which received permission previously on the remainder of the development site. It is considered that the proposed density is satisfactory. The issue regarding loss of light to an adjoining bungalow has been discussed with the applicant and the pair of affordable dwellings set back so that their no longer conflicts with the Council's 45 degree angle policy. Subject to this point, it is considered that the application complies with Adopted Local Plan Policy D1.

#### Impact on Residents Amenity

It is considered that the proposed development would not have an adverse impact on the amenity of existing residents bearing in mind that the rest of the field opposite Fieldgate Lane has planning permission.

#### Access/Parking

No objection has been raised by the Highway Officer, and following the submission of a revised plan including the additional required visitor parking space, the application now complies with Adopted Local Plan Policy DP8.

#### Ecology

The Ecologist has raised no objection to the proposed development subject to the final agreement being made on mitigation requirements for the Outline application.

#### Landscaping

The details for the whole development are currently being agreed.

## Sustainable Buildings

A separate application was submitted and refused for the variation of condition 7 on the Outline Permission, which was to allow a 'fabric first' approach instead of the provision of renewable technologies. This application is now subject to appeal. In view of members' previous recent decisions, it is proposed to attach a condition requiring renewables to provide 10% of the total energy requirements of future occupants within the whole scheme. Hence subject to this the application would be in accordance with Adopted Local Plan Policy DP13.

## Residents Objections (2 households)

- Despite moving houses back this is no reason to approve the application
- Bovis Golf Report does not provide the source of US Survey, ignores prevailing wind direction and is not convincing when using the word 'negligible.'

In response it is noted that the Golf Club has been in negotiations directly with Bovis and that it has now formally withdrawn its objection to this application. It is considered therefore that the issue of resident safety in regard to errant struck golf balls has been resolved.

- Density too high

In response it is considered that the proposed net density is similar to the remainder of the site and therefore the application complies with Adopted Local Plan Policy DP5.

- Loss of light and conflict with 45 degree angle policy in regard to the front windows of proposed affordable bungalow and adjoining pair of affordable houses.

In response the applicants have set the pair of affordable dwellings back so that the siting no longer conflicts with the Council's 45 degree angle policy.

## **Summary/Conclusion**

It is considered that the resolution of the issues raised by the Golf Club regarding public safety represents a significant change in circumstances from those considered by the Planning Committee when determining the previous reserved matters application for the whole site.

Hence, it is considered that the proposed development has a satisfactory housing mix, level of affordable houses, design, impact on residents, access and parking, ecology and sustainability and therefore the application complies with Adopted Local Plan Policies D1, D2, D3, D4, D5, D6, D8, D9, D11, D14, DA3, SC1, the Council's Residential Design Guide and the National Planning Policy Framework.



## **CONDITIONS**

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) WHIT/02/300 Rev E, WHIT/02/500 Rev E, WHIT/02/600 Rev E, LEAM /02/0500 Rev B, LEAM-5-400, HTPD AGS2 01, HTPD AGT2 01, HTPD AGD2 01, WHIT/02/400 Rev A, HTPD P303 SHE 02 RevA, HTPD P303 HT ASC 01 Rev A, HTPD P507 HT ASCOT 01 Rev A, HTPD P507 HT ASCOT 02 Rev B, HTPD P502 HT ARU 01Rev A, HTPD P502 HT ARU 02 Rev B, HTPD S241 HT RAD 01 Rev A, WHIT/02/SL02, WHIT/02/701, HTPD\_AGD2 01, HTPD\_AGS2-1VT, and specification contained therein, submitted on 14/10/14. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
  
- 3 The existing hedges indicated on the approved plans to be retained shall not be cut down, grubbed out or otherwise removed or topped or lopped so that the height of the hedges fall below 3 metres at any point without the written consent of the local planning authority. Any hedge removed without consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced within the next planting season with hedging, trees and/or shrubs of such size and species details of which must be submitted to and approved by the local planning authority. All hedging, trees and shrubs shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect that hedging which is of significant amenity value to the area in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
  
- 4 The development shall be constructed in general accordance with drawing no. LEAM/02/500. **Reason:** To safeguard highway interests in accordance with Adopted Local Plan Policy D8.
  
- 5 The Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. **Reason:** To safeguard highways interests in accordance with Adopted Local Plan Policy D6.
  
- 6 The development hereby permitted shall not commence 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 LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on

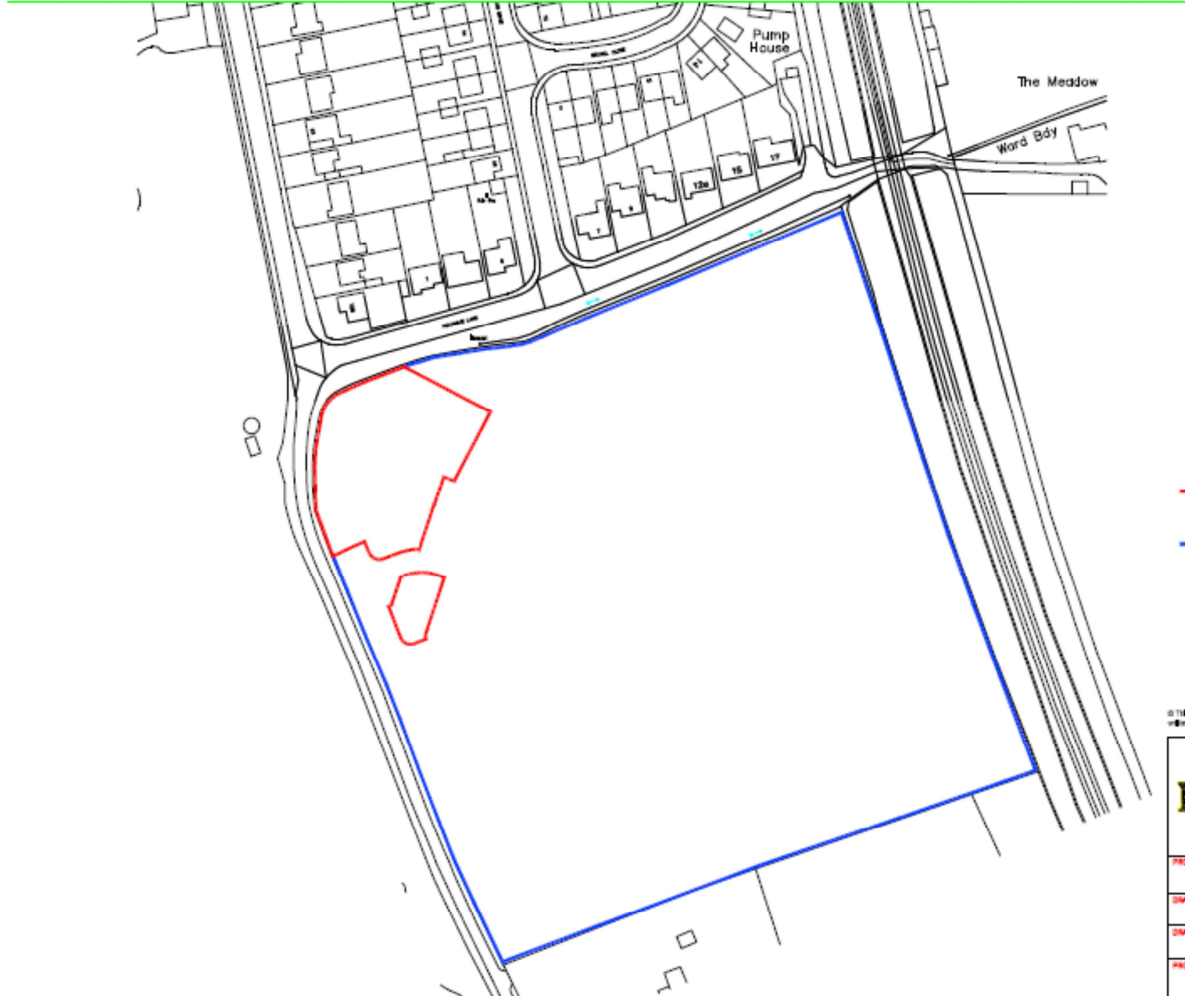
site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. Reason: To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan.

- 7 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 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 water bodies, native species planting, wildflower grasslands; woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with the NPPF.
- 8 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON :** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 9 The applicant is to provide plans showing the existing and proposed drainage systems for the site, showing the location of yard and road gullies, manhole's, soak ways, septic tanks, cess pits and pipes including size, shape, material, fall and level in relation to ground and building levels to ordinate survey datum.

The applicant is to provide plans showing the existing and proposed internal property drainage systems for the site including rain water down pipes, showers, sinks, toilets, WC's, wet rooms, wash basins, wash machines, dish washers and pipes showing how they link up with the external drainage systems. This should also include the finished floor levels of the property.

The applicant is to provide a plan showing the precise location of the existing watercourse culvert in relation to the site. The proposed development shall be implemented in accordance with these required plans. **Reason:** To safeguard interests in accordance with Adopted

Local Plan Policy DP11.





**Planning Committee:** 09 December 2014

**Item Number: 10**

**Application No:** [W/14/1555](#)

**Town/Parish Council:** Warwick  
**Case Officer:** Emma Spandley  
01926 456533 emma.spandley@warwickdc.gov.uk

**Registration Date:** 22/10/14  
**Expiry Date:** 17/12/14

**98 Bridge End, Warwick, CV34 6PD**

Demolition of existing dwelling and erection of replacement dwelling  
(resubmission of W/14/0737 & W/14/1153) FOR Mr & Mrs John Grey

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The application proposes to demolish the existing detached dwelling and to replace with another detached dwelling.

**THE SITE AND ITS LOCATION**

The application site is located within the Warwick Conservation Area. Warwick Castle is sited to the west across the River Avon, with views to Castle Park being afforded to the south. Castle Park is a Grade I Registered Park and Garden. The Council has produced a Conservation Statement for Bridge End (Area 3) which sets out the character and appearance of this part of the Conservation Area. It states that this is a largely residential area, which takes the form of a curved street fronted by terraced runs of dwellings, and later, more modern infill property generally two storeys in height. The street's special quality is characterised by its whole visual quality, rather than any individual building although Warwick Castle forms a significant and dramatic backdrop. There are some 32 listed buildings within the area.

The application property is located on the south side of Bridge End with the rear garden abutting the boundary with Castle Park. The existing property is a two storey, 1960's detached dwelling, which benefits from rooms in the roof and a single storey flat roofed double garage to the western side and is of little architectural merit.

## **PLANNING HISTORY**

W/14/0737 & W/14/1153 - Demolition of the existing house and the erection of a replacement detached dwelling, withdrawn.

## **RELEVANT POLICIES**

- The Current Local Plan
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Vehicle Parking Standards (Supplementary Planning Document)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- National Planning Policy Framework

## **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** Strongly opposes the proposal as it will adversely impact on the conservation area, have a detrimental impact on neighbouring properties due to overdevelopment and would like to see a Tree Preservation Order made on the Oak tree to the front of the property.

**WCC Ecology:** No objections subject to conditions surrounding the timetable of works.

**Highway Authority:** No objections

**CAF:** Overdevelopment of the site; when the houses were developed in the 1950s and 1960s gaps were left between the houses with low garages to ensure views through to Castle Park beyond. The proposed property, with its step down roof, filled the site and was generally felt it was not an attractive design; out of proportion with the street scene.

**Public Response:** 11 objections have been received on the following grounds - overbearing impact on living conditions of neighbours, out of character within the street scene due to its size & massing, inappropriate design with particular reference to the porch extending beyond the building line and the large amounts of glazing proposed, the harmful impact on the setting of the listed building opposite the site, the impact on the Oak tree in the front garden and the impact on the setting of the Grade I listed Castle Park.

**Tree Preservation Officer:** No objection, subject to a tree protection condition.

## **ASSESSMENT**

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

- Principle
- Impact on character and appearance of the Conservation Area
- Impact on living conditions of neighbouring properties
- Parking and highway safety
- Trees
- Renewables

### **The Principle of the Development**

Policy UAP1 of the Warwick District Local Plan 1996-2011 states that residential development will be permitted on previously developed land and buildings within the confines of the urban area.

The application is for the replacement of a dwelling which is located within Warwick and therefore the principle of the replacement dwelling is acceptable, subject to compliance with other Local Plan policies.

### **The impact on the character and appearance of the Conservation area**

The application property is a modern infill development, which does not, in itself, make a positive contribution to the character and appearance of the Conservation Area. The principle of its demolition is therefore acceptable, subject to an appropriate scheme for its replacement.

The proposed house has been the subject of extensive negotiations between the Council's s Conservation Officer and the applicant. The existing house, is two storey with rooms within the roof. The proposed house will also be two storeys with rooms within the roof but will also provide a basement level. The ridge line of the proposed house will be 1 metre higher than the existing house. However, due to the variety of house types within the street scene with a variance of ridge heights, the increase in height is considered acceptable in this context.

With the exception of the front porch, which is single storey, the proposed house will sit on a similar building line as the existing house when facing onto the street. I note the objections regarding the scale and massing of the proposed house, and while the proposed dwelling is larger than the existing one, it is considered that it will sit comfortably within its plot and will not appear as an incongruous feature in the street scene.

The objections with regard to the impact of the design of the proposed house on the character and appearance of the Conservation Area are also noted. As stated earlier in the report, the quality of this part of the Conservation Area is characterised by its whole visual quality, rather than any individual building and it is considered that the proposed house will preserve the character and appearance of the Conservation Area.

The Council's Conservation Officer has raised no objections to the revised design, subject to conditions requiring sample materials and large scale details.

### **The impact on neighbouring properties**

The proposed house will have a larger footprint than the existing house by extending further into the rear garden. The proposed dwelling will not breach the 45 degree sight line taken from the rear or front windows of the neighbouring dwellings and it is therefore considered that the proposal will not result in material harm to the living conditions of the neighbouring properties by reason of loss of light or outlook.

The proposal will be located on a similar building line as the existing house thereby retaining the 25 metre gap between the front of No.109 Bridge End and the proposed house complying with the Council's Distance Separation SPG, which requires a minimum of 22 metres.

Whilst the objections in respect of the percentage increase in floor area over the existing dwelling, there is no policy restriction on the amount a property can extended outside of the countryside and green belt.

It is considered that the proposed dwelling will not cause demonstrable harm to the living conditions of the neighbouring properties at nos.96 & No.100 Bridge



End or to the property on the across the road by reason of loss of light or outlook.

### **The impact on highways and parking**

The Highway Authority have raised no objections to the replacement dwelling. There is an area of sufficient size which can accommodate 2+ vehicles off road safely and the proposal therefore accords with Policy DP8 and the associated SPD. It is considered that the proposed replacement dwelling will not have an adverse impact on highway safety.

### **Renewables**

A renewables scheme has not been submitted, however, contained within a letter the applicant states that they will adopt a fabric first approach. Unfortunately this is not in accordance with the Sustainable Buildings SPD, which requires 10% of the predicted energy requirement of the proposed replacement dwelling to be produced by renewable sources. However, this can be controlled by a suitably worded condition.

### **The impact on Conservation Tree**

There is an Oak tree located within the front garden, which is proposed to be retained. The Council's Tree Officer is happy that this can be controlled by suitably worded condition. As the tree is already protected by virtue of being located within a Conservation Area, it is not considered that a TPO is required at this time.

### **SUMMARY/CONCLUSION**

The proposed replacement dwelling will not breach a 45 degree sight line taken from either of the neighbouring properties rear or front windows and is considered not to result in harm to living conditions. Bridge End is characterised by a variety of house types and styles and therefore it is considered that the design of the proposed new dwelling will not have a negative impact on the character and appearance of the Conservation Area.

### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings No.2014-1504-12; 2014-1504-21A; 2014-1504-22A; 2014-1504-23A; 2014-1504 - 24A; 2014-1504-25A; 2014-1504-SK28 & 2014-1504-26 and specification contained therein, submitted on 22nd October 2014 & drawing no. 2014-15041-29 submitted on 17th November 2014. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

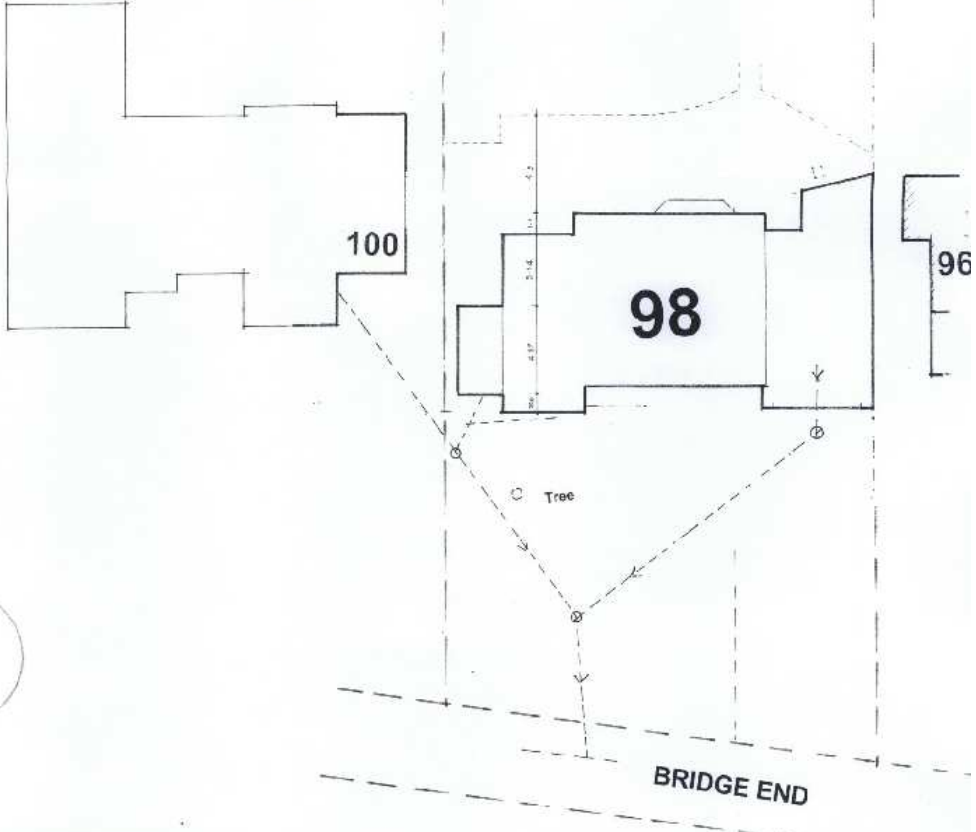
- 4 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site and which are within the Warwick District Council Warwick Conservation Area. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be 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:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 5 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 6 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority.  
**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 DP1 of the Warwick District Local Plan 1996-2011.
- 7 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates;

footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. 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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

- 8 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 9 The development hereby permitted shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of bats within the site as set out in the document "protected species survey of 98 Bridge End, Warwick, Warwickshire" prepared by Philip Irving, dated June 2014 and received by the Local Planning Authority on 22nd October 2014. **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 DAP3 of the Warwick District Local Plan 1996-2011.
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LOCATION PLAN 1 : 1250

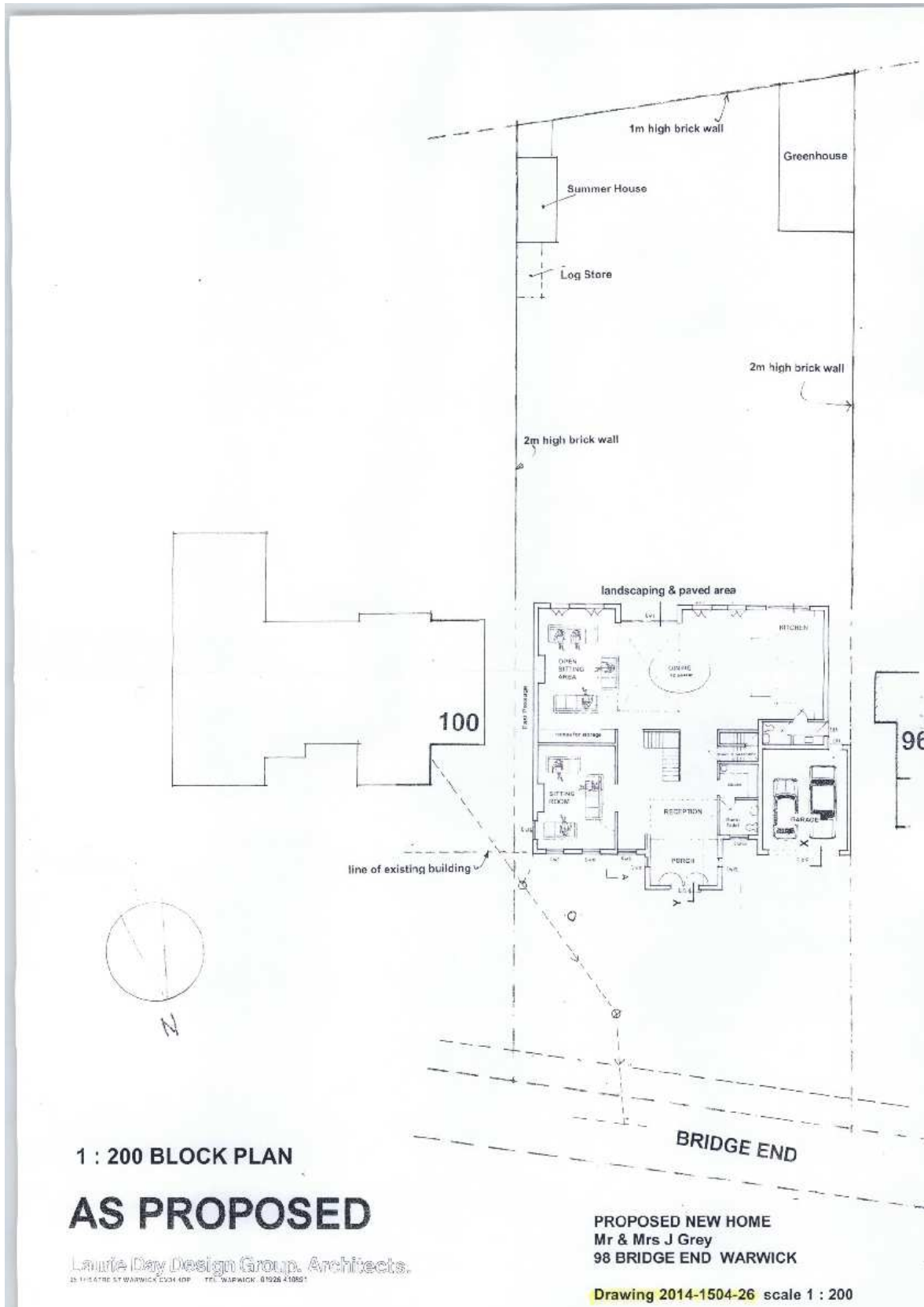


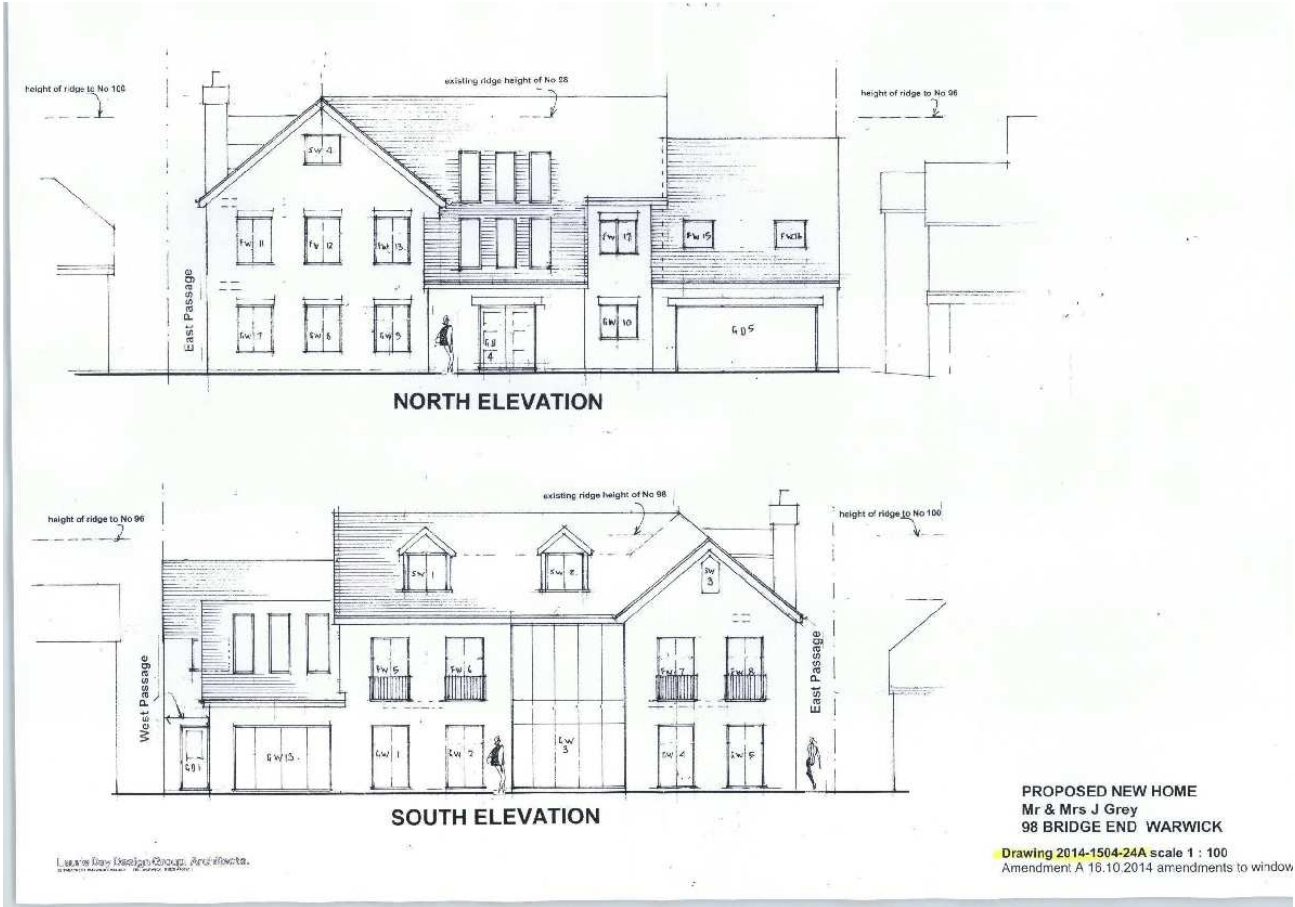
**AS EXISTING**

PROPOSED NEW HOME  
 Mr & Mrs J Grey  
 98 Bridge End Warwick

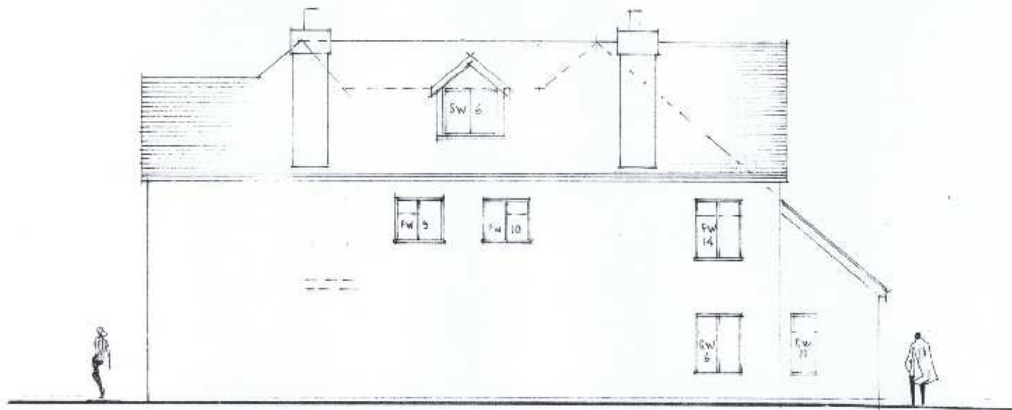
Laurie Day Design Group, Architects,  
 15 THEATRE ST WARWICK CV34 4DF TEL WARWICK 01825 415881

Drawing 2014-1504-12 scale 1 : 200

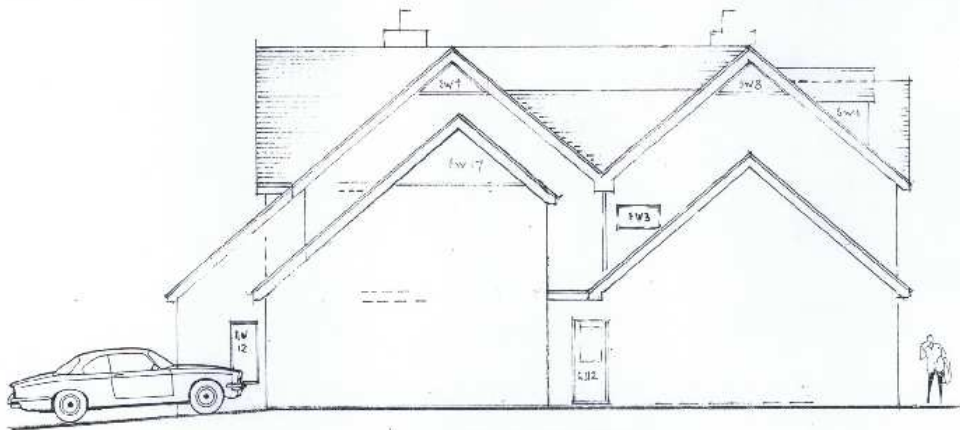




**PROPOSED NEW HOME**  
 Mr & Mrs J Grey  
 98 BRIDGE END WARWICK  
 Drawing 2014-1504-24A scale 1 : 100  
 Amendment A 15.10.2014 amendments to window



**EAST ELEVATION**



**WEST ELEVATION**

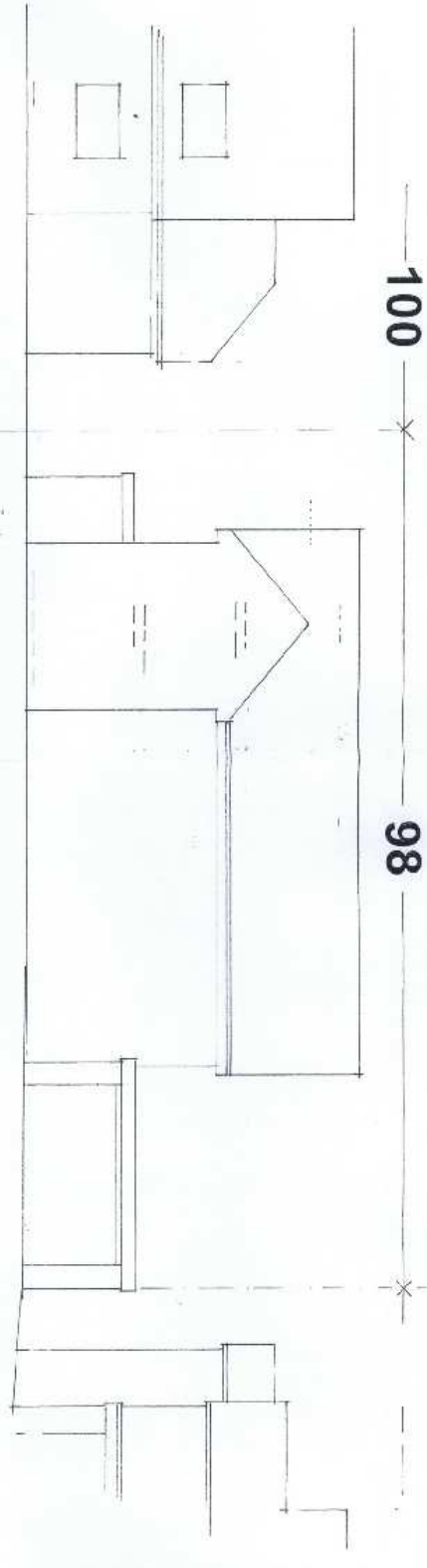
**PROPOSED NEW HOME  
Mr & Mrs J Grey  
98 BRIDGE END WARWICK**

**Drawing 2014-1504-23A scale 1 : 100**  
Amendment A 16.10.2014  
amendments to Kitchen.mof

**Laurie Day Design Group Architects.**  
21 BRATECOT WAY, BRATECOT, WARWICK, CV35 9EF

100

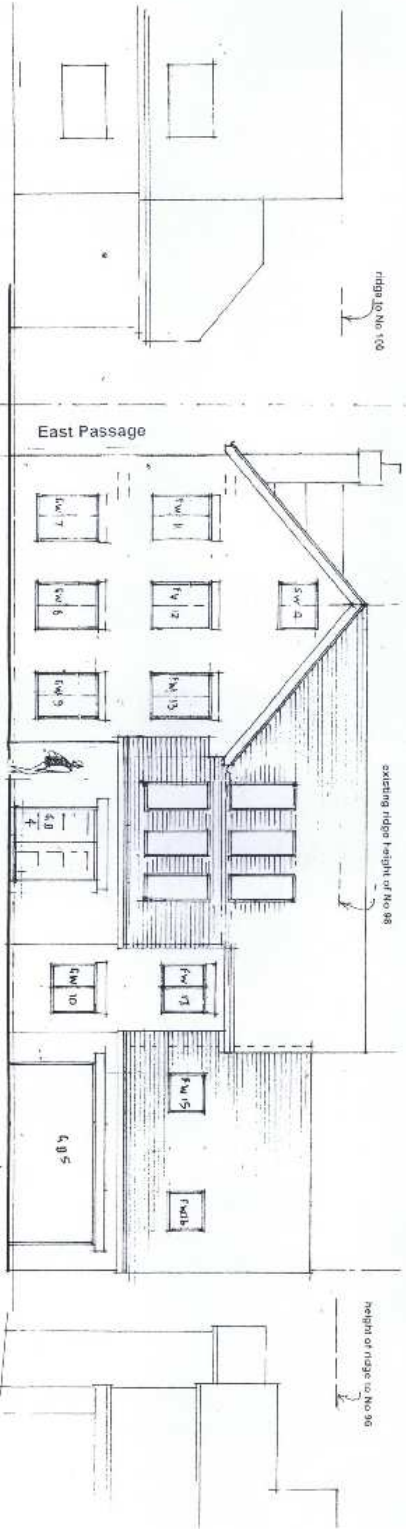
98



**STREET SCENE AS EXISTING**

Warwickshire District  
 18 NOV 2014  
 Learnington  
 PROPOSED NEW HOME  
 Mr & Mrs J Gray  
 98 Bridge End Warwick

Drawing 2014-1504-29 scale 1 : 100



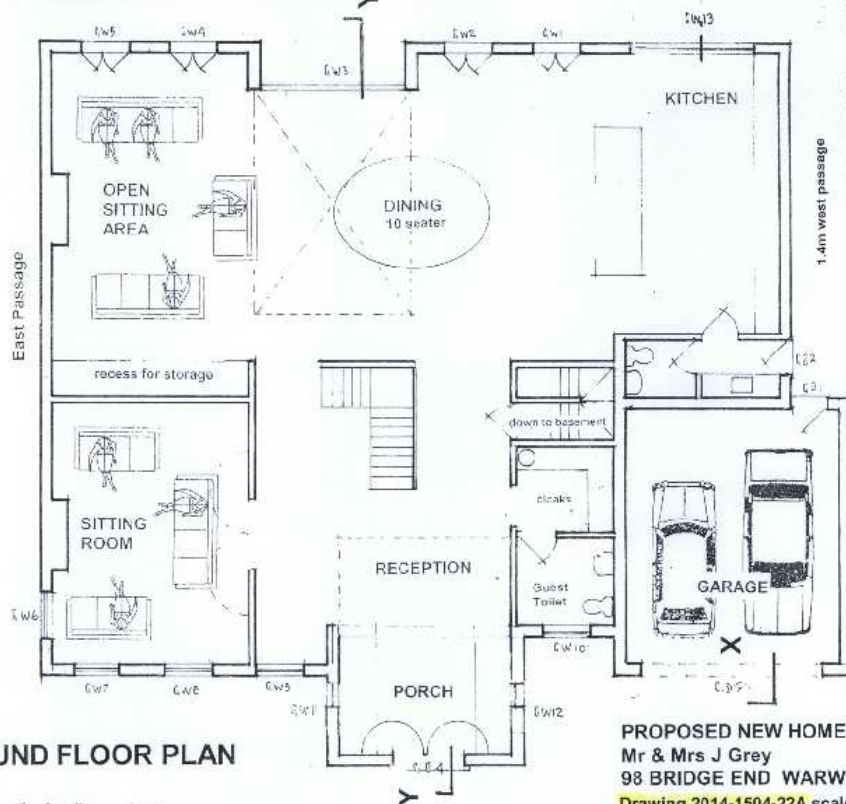
**STREET SCENE AS PROPOSED**

Laura Day Design Group Architects  
 15, THE RECTORY, WARWICK, CV35 9EF  
 TEL: 01927 540000 FAX: 01927 540001  
 WWW.LAURADAYDESIGN.COM





**FIRST FLOOR PLAN**



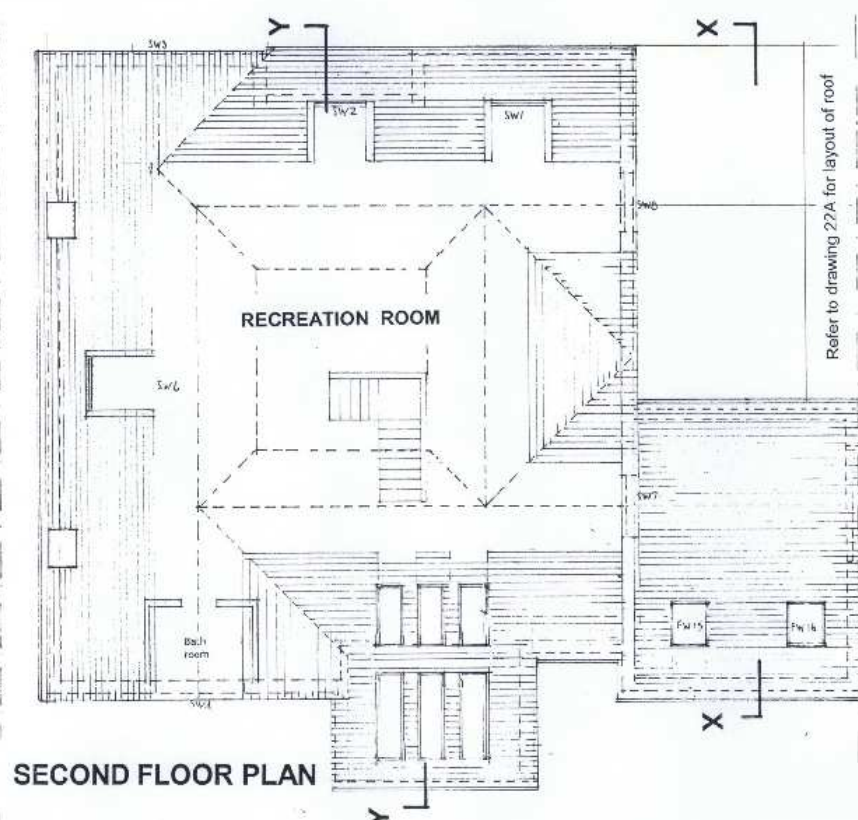
**GROUND FLOOR PLAN**

Leanne Day Design Group Architects  
100 BRIDGE END WARWICK CV35 9EF

**PROPOSED NEW HOME**  
 Mr & Mrs J Grey  
 98 BRIDGE END WARWICK  
 Drawing 2014-1504-22A scale 1 : 100  
 Amendment A 16.10.2014  
 amendments to Kitchen roof

100

96



**SECOND FLOOR PLAN**



**BASEMENT PLAN**

foundations to northern end to be mini piles

**PROPOSED NEW HOME**  
**Mr & Mrs J Grey**  
**98 BRIDGE END WARWICK**

**Drawing 2014-1504-21A** scale 1 : 100  
 Amendment A 18.10.2014  
 amendments to Kitchen ref

*Laura Day Design Concept Architects*

**Planning Committee:** 09 December 2014

**Item Number: 11**

**Application No:** [W 14 / 1548](#)

**Town/Parish Council:** Leamington Spa

**Registration Date:** 21/10/14

**Case Officer:**

Jo Hogarth

**Expiry Date:** 16/12/14

01926 456534 jo.hogarth@warwickdc.gov.uk

**11 York Road, Leamington Spa, CV31 3PR**

Demolition of existing garage to rear of property and erection of new detached double garage (resubmission) FOR Mr LIBROWSKI

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

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission for the development, subject to conditions.

**DETAILS OF THE DEVELOPMENT**

Erection of a double garage in the rear garden of number 11 York Road with access onto the service yard at the rear after demolition of existing single garage.

**THE SITE AND ITS LOCATION**

The application site relates to the rear garden serving a property fronting York Road, a large semi-detached Edwardian house situated on the south side of the road within the Royal Leamington Spa Conservation Area. The site overlooks the historic gardens associated with York Walk which forms part of a series of linked historic parks and gardens which has been registered in the English Heritage Register as well as the Warwick District Local Register.

**PLANNING HISTORY**

W/03/0336 - Planning permission granted for the creation of one bed sitting room and external alterations.

W/14/1100 - Application for a similar proposal to the current application was withdrawn earlier this year.

**RELEVANT POLICIES**

- National Planning Policy Framework
- [The Current Local Plan](#)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Vehicle Parking Standards (Supplementary Planning Document)
- Distance Separation (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

## **SUMMARY OF REPRESENTATIONS**

**Leamington Town Council:** Objection is raised for the following reasons:

1. The proposal appears to be a double rather than a single garage.
2. The scale and, particularly, the height of the building is overbearing.
3. The proposed building is inconsistent with the heights of other garages in close proximity.
4. A condition should be set that the development must not be used as living accommodation.

**WCC Ecology:** Recommend bird and bat notes.

**Public Response:** 10 letters of objection have been received on grounds that the building is too high with the appearance of a small dwelling, other garages do not fill the whole plot, out of keeping in the Conservation Area and results in over development. Would set a difficult precedent.

## **ASSESSMENT**

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

- Principle
- Impact on neighbours
- Design and impact on the character and appearance of the Conservation Area
- Parking
- Ecological issues
- Renewables
- Health and Wellbeing

## **The Principle of the Development**

The principle of erecting garages in the rear gardens of both Avenue Road and York Road is accepted as most properties have some form of outbuilding/garage in this location. Indeed, this proposal would replace an existing single garage. A double garage has been built at the rear of number 15 York Road and does not appear as an incongruous feature within this rear service road. It is considered that the siting of a double garage in this location is acceptable.

## **Impact on neighbours**

The objections received with regards to height are noted and the proposal has been amended to reduce the height by 0.3 metres. The application is for garaging and storage and not for residential accommodation. This can be clarified by an appropriately worded condition. The design is such that there would be roof lights on both the elevation to the service road and to that which faces onto the rear of the host property, number 11 York Road and it is not considered that these would result in such overlooking as to warrant refusal, particularly given the proposed use as a store room. It is therefore considered that the application complies with the criteria set out in Policy DP2 in the Local Plan.

## **Design and impact on the Conservation Area**

With regards to the design and impact on the Conservation Area, as amended, it is considered that the proposal would preserve the character and appearance of the character and appearance of the area and would not result in material harm. Although it would not be readily visible from public vantage points, the design has incorporated corbel details to the eaves/verge and would be constructed of materials suitable for use in special historic areas. It is considered, however, that a condition should be imposed to secure the use of traditional side hung timber doors in lieu of powder coated steel roller shutters as proposed. Subject to conditions, the application is considered to meet the objectives of Policy DAP4 in the Local Plan.

## **Parking**

The application is considered to provide off street parking facilities in accordance with the Council's adopted Vehicle Parking Standards and is thereby considered acceptable. Whilst York Road is a Residents Parking Zone, the creation of a double garage will allow more flexibility within this residential area. The proposal would comply with the objectives of Policy DP8 in the Local Plan.

## **Ecological issues**

There are no objections subject to the inclusion of bird and bat notes.

## **Renewables**

Given the proposed use of the proposed development, it is considered that a requirement to provide renewables in accordance with Policy DP13 and the associated SPD would not be appropriate.

## Health and Wellbeing

It is not considered that this is applicable to this particular application.

### **SUMMARY/CONCLUSION**

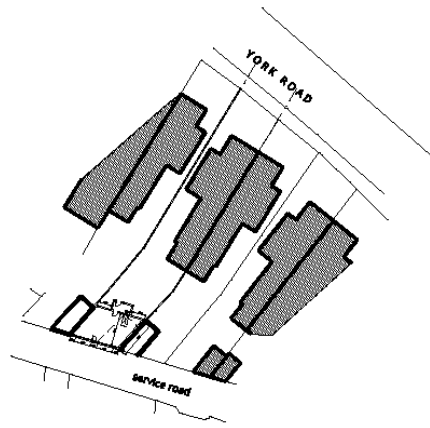
It is considered that the application complies with the local plan policies listed.

### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 002 A & 003 Rev B, and specification contained therein, submitted on 21 October & 19 November 2014, except as required by condition 3 below. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DAP8 of the Warwick District Local Plan 1996-2011.
- 3 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **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 Policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011.
- 5 Notwithstanding the details in respect of the garage doors shown on drawing number 003 Rev B submitted on 19 November 2014, the garage doors shall be side hung timber doors, painted not stained, and retained as such at all times thereafter. **REASON:** To ensure a high standard of design and appearance within the Conservation Area and to satisfy the requirement of Policy DAP8 in the Warwick District Local Plan 1996-2011.
- 6 The garages and store room hereby permitted shall be used for such purposes only and not for habitable accommodation. **REASON:** In the interests of the amenities of nearby residents and to satisfy the

requirements of Policy DP2 in the Warwick District Local Plan 1996-2011.

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Project  
**NEW GARAGE  
15 YORK ROAD  
LEAMINGTON SPA, CV31 3PR**

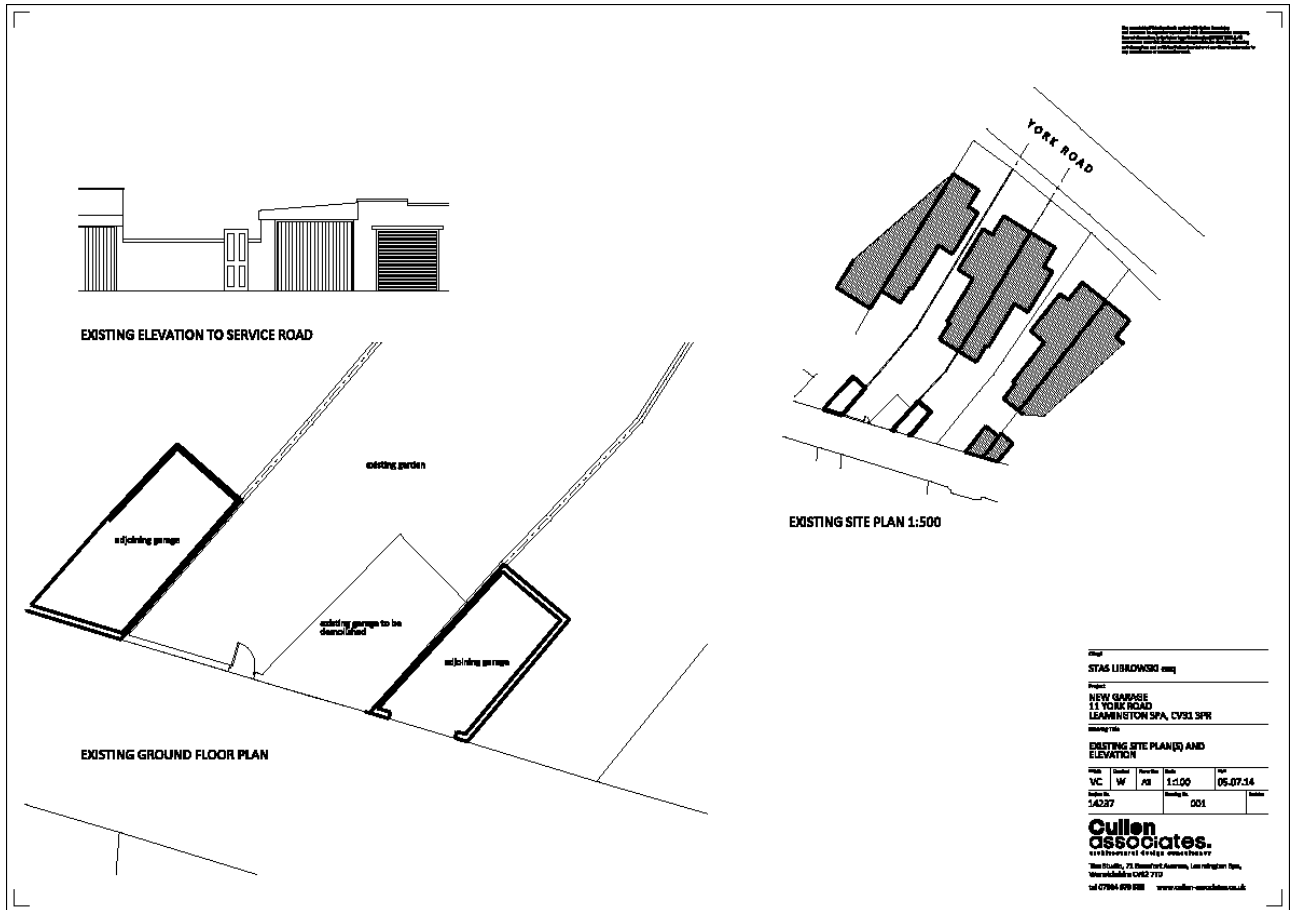
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AND LOCATION PLAN**

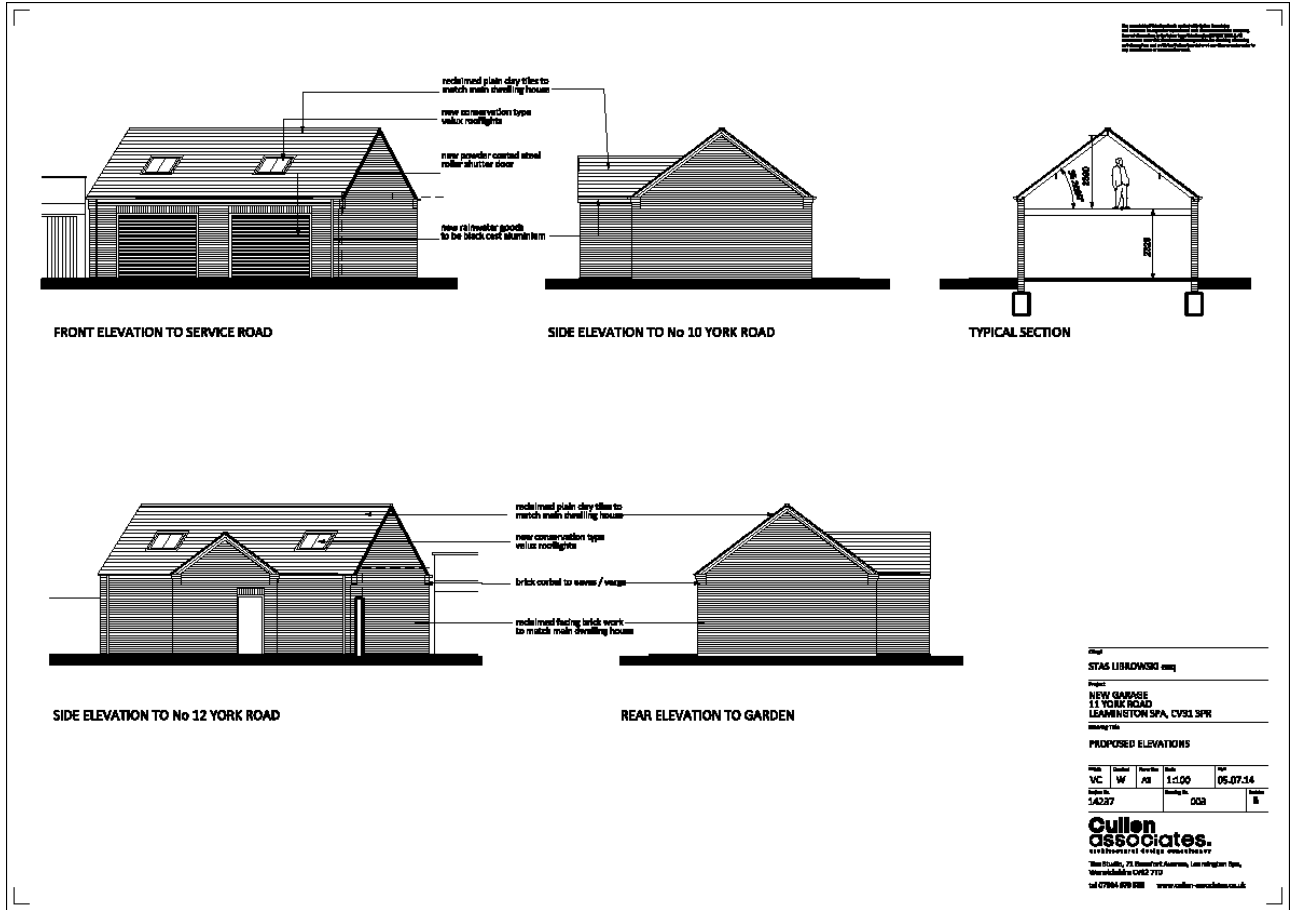
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ENVIRONMENTAL DESIGN CONSULTANTS

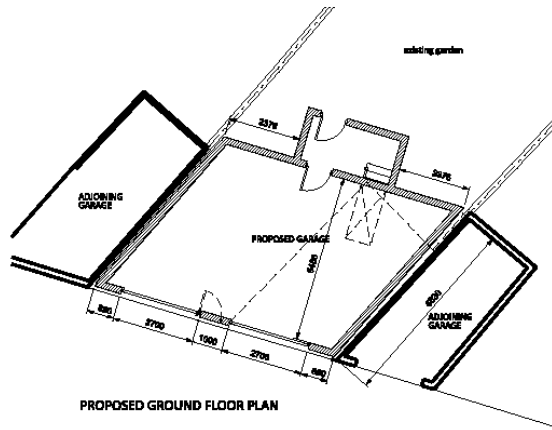
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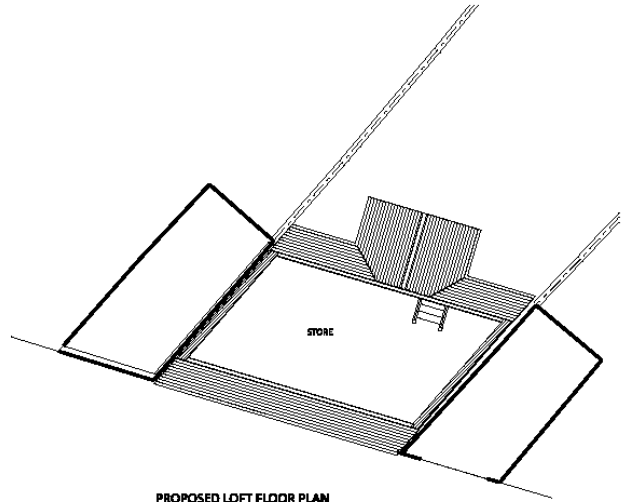




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PROPOSED GROUND FLOOR PLAN



PROPOSED LOFT FLOOR PLAN

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Project  
**NEW GARAGE**  
**11 YORK ROAD**  
**LEAMINGTON SPA, CV32 3PR**

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Proposed Floor Plans

Rev	Issue	Date	By	App
VC	W	08	1:1:00	05-07-16
14287			002	A

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