

Planning Committee Wednesday 11 September 2024

A meeting of the above Committee will be held at Shire Hall, Market Place, Warwick on Wednesday 11 September 2024, at 6.00pm.

Councillor A Boad (Chairman)
Councillor J Falp (Vice Chairman)

Councillor L Cron
Councillor R Davidson
Councillor R Dickson
Councillor K Dray
Councillor B Gifford

Councillor J Kennedy
Councillor M Luckhurst
Councillor P Phillips
Councillor N Tangri
Councillor C Wightman

Emergency Procedure

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

Agenda Part A – General

1. Apologies & Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

Part B – Planning Applications

To consider the following reports from the Head of Place, Arts and Economy:

4. **W/23/0894 - 8 Spencer Street, Royal Leamington Spa** (Pages 1 to 8)
5. **W/23/1738 - Land at Red Lane, Burton Green, Kenilworth** (Pages 1 to 9)
6. **W/24/0133 - 3 England Crescent, Royal Leamington Spa** (Pages 1 to 8)
7. **W/24/0224 - Mace Buildings Limited, Long Itchington Road, Hunningham, Royal Leamington Spa** (Pages 1 to 10)
8. **W/24/0480 - Land fronting Red Lane, Burton Green, Kenilworth** (Pages 1 to 8)
9. **W/24/0568 - Old Beams, Lapworth Street, Bushwood, Lowsonford, Henley-in-Arden** (Pages 1 to 6)
10. **W/24/0623 - House 3 & 4, 151 Leam Terrace, Royal Leamington Spa** (Pages 1 to 6)

Part C – Other matters

11. **Appeals Report** (To Follow)
12. **Review of the WDC Conservation Advisory Forum (CAF)** (Pages 1 to 7)

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General Enquiries: Please contact the Committee Services team via email at committee@warwickdc.gov.uk. Alternatively, you can contact us at:

Warwick District Council, Town Hall, Parade, Royal Leamington Spa, CV32 4AT or telephone 01926 456114.

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

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Planning Committee: 11 September 2024

Item Number: 4

Application No: [W 23 / 0894](#)

Town/Parish Council: Leamington Spa
Case Officer: Jack Lynch

01926 456642 Jack.lynch@warwickdc.gov.uk

Registration Date: 04/08/23

Expiry Date: 29/09/23

8 Spencer Street, Leamington Spa, CV31 3NF

Erection of mansard roof extension. Remodelling of frontage, including removal of bay window. Erection of first floor rear extension. FOR GSD Commercial Ltd

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The applicant seeks full planning permission for:

- The erection of a mansard roof extension,
- Remodelling of the frontage, including the removal of a bay window, and
- The erection of a first-floor rear extension.

THE SITE AND ITS LOCATION

The application site relates to 8 Spencer Street, located in Leamington Spa Town Centre. The site neighbours 6 Spencer Street to the West and 10 Spencer Street to the East. The buildings on the opposite side of Spencer Street are quite uniform in their design and building heights, whereas the buildings immediately neighbouring the application site are mixed in their design. The buildings in the locality are largely finished in render and have 3 storeys, with rooves sloping away from the frontage.

The neighbouring sites to 8 Spencer Street are of mixed use, largely with flats on the upper floors. The application site has an existing ground floor use as a hot food takeaway (Class Sui Generis) and an existing first floor use as a 1-bedroom flat (Class C3).

The application site is located in the Leamington Spa Conservation Area.

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- NZCSPD – Net Zero Carbon Supplementary Planning Document (SPD)
- NZC4 - Existing Buildings
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS3 - Conservation Area
- RLS16 - Royal Leamington Spa Town Centre

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council – No objection, subject to no breach of the 45-degree guideline and no objection from highways, environmental health, conservation and contract services.

WCC Ecology – No objection, subject to a condition requiring a scheme for the provision of a bat box to be installed on site. The County Ecologist has also added advisory notes for the protection of birds and bats.

WDC Conservation – No objection, subject to conditions requiring the submission of large-scale details and facing materials.

WDC Environmental Health – Neutral comment. They have highlighted that based on the existing use and arrangement of the site, the proposed internal alterations combined with the proposed conditions will represent an improvement from the existing site.

Public Response – 6 comments of support. 9 Comments of objection.

Summary of support comments:

- Good design and in keeping with the design of the locality,
- Will improve the appearance of the site,
- Appropriate provision has been made for the amenity of future occupiers, and
- The extensions will not have a detrimental impact to the amenity of neighbouring uses.

Summary of objection comments:

- Concerns over noise and odours,

- Concerns over the stress on on-street parking and no cycle provision,
- The impact on the amenity of neighbouring uses, and
- Concern over the refuse arrangement.

ASSESSMENT

Visual impact / character of the conservation area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Policy HE1 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

Policy BE1 requires new development to positively contribute to the character and quality of its environment through good layout and design. While primarily applicable to residential development, it is still worth noting the Residential Design Guide SPD (2018) which provides a framework through which additional design principles are set out to ensure that high quality design is promoted, sensitive to, and in keeping with the area in which it is located.

Policy RLS3 of the RLSNDP states that development proposals that are within or directly affect a Conservation Area must assess and address their impact on their heritage significance and must demonstrate attention to certain criteria specified within the policy.

The existing building in its current form does not have a particularly positive influence on the design of the street scene or the character of the conservation area. It is currently two-storey in height. The existing hot food takeaway forms the design of the ground floor frontage. The first floor is rendered with a bay window on to the frontage, which is not a feature that would be associated with this part of Spencer Street.

Amended drawings have been received for this scheme following initial objections from officers and the conservation officer. The revised scheme consists of the erection of a mansard roof extension above the existing first floor. The principle elevation will remain as a render finish and the bay window has been replaced with a timber framed window. The mansard roof will be finished in natural slate to match the existing building and neighbouring buildings. The extensions to the rear have been completed in matching brickwork to the existing building and include new timber frame windows. The first-floor rear extension has a hipped roof. The Conservation Officer has raised no objection to the amended scheme, subject to the imposition of a condition requiring the submission of large-scale architectural details.

Overall, and in light of the amended plans, officers are satisfied that the resulting development would represent a sympathetic addition to the locality and would be aesthetically preferable to the building currently in situ.

Accordingly, it is not considered that the proposed external works would result in any material harm to the visual amenities of the site and surrounding area, nor to the character and appearance of the Conservation Area. The development is therefore considered acceptable in this regard and as such accords with the aforementioned policies.

Impact on neighbouring / residential amenity

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

Objections have been received raising concerns over the potential impact of the extension on the amenity of neighbouring uses. However, since these objections have been received, the applicant has submitted amendments reducing the depth of the extension and removing the breach of the 45-degree guideline.

As existing the ground floor of this site extends to the rear boundary. The proposal includes a first-floor rear extension which extends 1.7 metres back. The proposed extension will not breach the 45-degree guideline in relation to either neighbours' nearest habitable window on the ground or first floor. The mansard roof extension will also not breach the 45-degree guideline of either neighbours' habitable windows.

There is a window located in the loft space of the neighbouring dwelling to the west. As existing, the pitched roof of the application site blocks a significant amount of light from this window as it is positioned directly in front of it. As existing, this window does not have appropriate outlook, as it faces directly onto the roof of 8 Spencer Street and partially onto the opposing flat's side elevation. Further, because of its relationship with the number 8's roof, the availability of natural light is limited.

The alterations included in this application remove the pitched roof on 8 Spencer Street, thereby clearing any obstruction of this window that is currently in place. The mansard roof that replaces the pitched roof will be located 0.75 metres away from the window to the north, thereby improving the outlook and availability of light for this window. Though there will be a small increase in roof height of approximately 0.38m, when weighing up the new location of the roof, which will be sloping away from the existing window, against the existing arrangement, the amended location of the roof will provide a much-improved outlook for the relevant window and allow for more appropriate levels of light.

Following the submission of amendments, officers are satisfied the proposal would result in no material harm by reason of additional loss of light, loss of privacy or loss of outlook.

The impact of the relocated flue is considered in more detail in the following section. However, in relation to the impact on the neighbouring properties, based

on the advice from Environmental Health this is considered to be no worse than the situation with the existing flue.

Accordingly, officers are satisfied that the development is acceptable in this regard and as such accords with Policy BE3.

Impact on living conditions of the existing first floor flat

Local Plan Policy BE3, requires development to provide acceptable standards of amenity for future users and occupiers of the development.

As existing, this site is currently used as a takeaway (which includes a kitchen) on the ground floor and a separate one-bedroom flat on the first floor. The existing arrangement of the first floor flat consists of a lounge to the front with an outlook to Spencer Street and the bedroom the rear with an outlook onto the building behind the application site.

The proposal includes the internal remodelling of the first floor flat. The kitchen and lounge will have an open plan style and will be served by the main window fronting 8 Spencer Street. The rear of the first floor will be host to the utility and bathroom, both of which will have obscured windows. The mansard roof extension will facilitate the single bedroom to the frontage with an outlook onto Spencer Street. To the rear of the roof extension will be the ensuite and stairway from the first floor, both of which will have rear facing obscured windows.

The habitable rooms for this one-bedroom dwelling will have appropriate levels of outlook and are considered to be an improvement from the existing arrangement.

Objections have been received raising concerns about the levels of amenity for the living spaces in the first floor flat. The LPA's Environmental Health Officer has been consulted as part of this application and following submission of amended plans, they have highlighted that based on the existing use and arrangement of the site, though there are concerns from a noise and odour perspective, the proposed internal alterations combined with the proposed conditions will represent an improvement from the existing situation. It should be noted that as existing there is a flue located to the rear of this building and the rear of the neighbouring building. The application site's flue head is located directly outside the rear bedroom that has an openable window.

The alterations as part of this application will see that all windows to the rear of the first floor and roof extension will serve rooms that are not considered to be habitable rooms. They will also have windows that are fixed and obscured to remove the possibility of odours accessing these floors. The applicant has also altered the existing flue so that it will have a Swedish Cowl Head as opposed to the existing Weather Cowl so that odours will emit upwards, as opposed to laterally. Moreover, the flue will be fixed with anti-vibration mounts to limit the noise that can be generated from the flue.

Accordingly, officers are satisfied that the development is acceptable in this regard and as such accords with Policy BE3.

Access and parking

Policy TR1 requires development to provide safe, suitable and attractive access routes for all road users; including drivers of motor vehicles as well as cyclists, pedestrians and public transport users.

Policy TR3 requires development to make provision for parking which has regard to the location and accessibility of the site by means other than the private car, does not result in on-street car parking detrimental to highway safety; takes account of the parking needs of disabled car users, motorcyclists and cyclists; and takes account of the requirements of commercial vehicles. Moreover, development will be expected to comply with the parking standards set out in the most recent Parking SPD.

The proposal does not alter the use of the existing building, nor does it increase the number of bedrooms in the upper floor flat. The parking requirement therefore does not change. It is acknowledged that the site is situated within a sustainable location with good public transport links.

Objections have been received raising concerns over the parking provision for the site. The amended plans submitted demonstrate that there will be no increase in the number of bedrooms and no change of use involved for this proposal. The proposed works are solely for the roof extension and first floor rear extension. These works do not require the provision of any additional parking spaces.

For the above reasons officers are satisfied that the development is acceptable and as such accords with Policies TR1 and TR3.

Impact on Ecology

Local Plan Policy NE2 requires designated areas and species of national and local importance to be protected for biodiversity and geodiversity. Policy NE3 requires development not to lead in any losses to biodiversity and to avoid any negative impacts on existing biodiversity.

A bat survey has been submitted following a request from WCC Ecology. The County Ecologist has recommended that the works are carried out sensitively. They have raised no objection subject to the imposition of a condition requiring the installation of a bat box feature on the building. Appropriate notes have also been attached.

Officers are therefore satisfied that the works would not result in any harm to protected species and the development accords with Policies NE2 and NE3.

Sustainability

As required by the Council's Net Zero Carbon Development Plan Document (DPD) Policy NZC4, an Energy Statement has been submitted which demonstrates a consideration to sustainable construction and design in accordance with Local Plan Policy CC1 – Planning for Climate Change Adaptation. The applicant has included justification for why measures have not been incorporated, taking into consideration the limited alterations to an existing building.

The proposal is therefore considered to comply with DPD Policy NZC4.

Other matters

Waste

Objections have been received raising concerns over the refuse arrangement for this site. It should be noted that this application is solely for the erection of a first-floor rear extension and roof extension and therefore there will be no impact on the refuse requirements in this case.

Conclusion

Overall, and having regard to all of the above considerations, officers recommend that planning permission be granted subject to the conditions set out below.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 23/16-02 REV J, and specification contained therein, submitted on 28th August 2024. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No part of the development hereby permitted shall be commenced until a scheme for the provision of a bat box/bat roosting feature to be erected on buildings within the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of box type, location, and timing of works. Thereafter, the box shall be installed and maintained in perpetuity. **Reason:** In accordance with NPPF, ODPM Circular 2005/06.
- 4 The development hereby permitted shall not commence unless and until a noise insulation scheme has been submitted to and agreed in writing by the local planning authority to ensure that noise levels from the existing ground floor premises do not cause detriment to the amenity of the occupiers in the proposed first floor residential premises. Once approved, the noise insulation scheme shall be implemented in full accordance with the approved details and shall be retained thereafter. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted shall not commence unless and until:

a) a noise assessment has been undertaken to assess the impact of entertainment noise, commercial plant/equipment, and road traffic noise on the proposed dwelling in accordance with a methodology first agreed in writing with the local planning authority; and

b) the results of the noise assessment carried out to comply with criteria (a), together with details of any necessary noise, ventilation, and/or overheating mitigation measures, have been submitted to and approved in writing by the local planning authority.

The development hereby permitted shall not be occupied until any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details. The mitigation measures shall be retained at all times thereafter.

Reason: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

6 No development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

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

Planning Committee: 09 September 2024

Item Number: 5

Application No: [W 23 / 1738](#)

Town/Parish Council: Burton Green

Registration Date: 04/12/23

Case Officer: Rebecca Compton

Expiry Date: 29/01/24

01926 456544 rebecca.compton@warwickdc.gov.uk

Land at Red Lane, Burton Green, Kenilworth

Erection of 1no. dwelling and associated garage and new vehicular access FOR
Hancock Town Planning

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for a new two storey, five bedrooomed dwelling with garage and new vehicular access.

THE SITE AND ITS LOCATION

The application site is located close to the eastern edge of Burton Green, accessed off Red Lane. The site is washed over by Green Belt and sits outside of the Growth Village Envelope.

PLANNING HISTORY

The application site has no relevant planning history, however, the following planning history relating to the neighbouring site (Land Fronting Red Lane, Burton Green, Kenilworth, CV8 1PB) is considered relevant:

W/20/2161 - Erection of single dwelling and associated garage. Refused 22.06.2021 - Allowed at appeal 18.11.2021.

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- DS18 - Green Belt
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape

- NE5 - Protection of Natural Resources
- TR1 - Access and Choice
- TR3 - Parking
- CC1 - Planning for Climate Change Adaptation
- FW3 - Water Conservation
- Net Zero Carbon Development Plan Document
- NZC1 - Achieving Net Zero Carbon Development
- NZC2(A) – Making Buildings Energy Efficient
- NZC2(B) - Zero or Low Carbon Energy Sources and Zero Carbon Ready Technology
- NZC2(C) - Carbon Offsetting
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Burton Green Neighbourhood Plan (2018-2029)

SUMMARY OF REPRESENTATIONS

Burton Green Parish Council - Object on the basis that the application site is within the Green Belt and outside of the Growth Village Envelope.

WCC Highways - No objection

Tree Officer - No objection

Environmental Health – No objection

Waste Management – No objection

Landscape – No objection

WCC Ecology – Objection due to loss of woodland habitat.

Sustainability Consultant - Bioregional - No objection.

Public Response - 4 objections received on the following grounds:

- Green Belt impact
- Contrary to Neighbourhood Plan
- Outside Village envelope
- No identified local housing need
- Highway Safety
- Loss of wildlife habitat
- Loss of trees and landscape.

ASSESSMENT

Principle of development

The Inspector in the recent appeal decision at the Warwickshire Police Headquarters site concluded that Warwick District Council could only demonstrate a 4.01-year housing land supply.

Therefore, as the local authority is unable to demonstrate a five-year supply of housing land, all of its policies for delivering housing are deemed out of date. The NPPF states that in such cases planning applications should instead be decided based on the presumption in favour of sustainable development and the "*tilted balance*". The NPPF states that when determining planning applications, development proposals that accord with an up-to-date Development Plan should be approved without delay. In addition, where the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Therefore, as the authority is unable to demonstrate a five-year supply of housing land, Paragraph 11 of the NPPF is engaged, whereby planning applications should be decided based on the presumption in favour of sustainable development and planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The application site is situated outside of the Growth Village boundary, however the appeal decision for application ref: W/20/2161 allowed a new dwelling on Red Lane is considered relevant to the assessment. The appeal site was located immediately south of the site subject of the current application which is actually positioned closer to the settlement boundary than the appeal site was. The Inspector determined that whilst the appeal site was situated outside of the settlement boundary, the built development to the south of the settlement boundary did not appear separate to the village and in visual terms appeared as a continuation of the settlement. In assessing the application site, Officers are mindful that the development would be situated closer to the existing settlement and on the same side of Red Lane as the appeal site was, and therefore the Inspector's assessment that the development would visually appear as part of the existing village settlement would also apply in this case.

Considering the appeal decision and the fact that the Council has an undersupply of housing which the application site would contribute to, officers are of the view that the principle of housing on this site would be acceptable.

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

As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states that development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. Paragraph 145 states that any new buildings in the Green Belt are inappropriate unless one of the exceptions contained in that paragraph are met. The proposal does not meet any of these exceptions and therefore represents inappropriate development within the Green Belt.

Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 goes on to state that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In the allowed appeal for the dwelling at the neighbouring site (ref: W/20/2161) the Inspector considered that the development would be considered as 'limited infilling in a village' for the purposes of the NPPF Paragraph 154 e) and would infill a small gap in an otherwise uninterrupted built-up frontage. Officers are also of the view that the proposed development, which is positioned immediately north of the appeal site, and positioned closer to the existing settlement than the appeal site would also constitute limited infilling and is therefore appropriate development in the Green Belt.

The development is considered to constitute appropriate development in the Green Belt.

Impact on the character and appearance of the area and the rural landscape

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high-quality layout and design in all developments that relates well to the character of the area. Policy NE4 sets out provisions relating to landscape impact (including guarding against coalescence between existing settlements).

Policy BG2 of the Burton Green Neighbourhood Development Plan states that development proposals should take into account the importance of existing trees, woodland and hedgerows and seek to protect them.

Policy BG7 of the Burton Green Neighbourhood Development Plan states that new development should respect the local character and the surrounding natural environment.

Whilst WCC Landscape have raised no objection to the proposal, they do note the importance of the existing vegetation in contributing to the rural landscape and the Green Belt. The previous area of woodland has been substantially cleared prior to the submission of this planning application, this is outside of planning control

and does not require planning permission. Officers note that the applicant seeks to replace the lost area of woodland to the north of the site and so will retain a large area of woodland which contributes positively to the area. The development also retains a large number of trees to the frontage which also contribute positively to the street scene.

The existing properties along Red Lane consist of large, detached dwellings that are set back from the highway and externally are of varying styles and scale and the proposed dwelling is considered of an acceptable design in this context. The proposed dwelling is of a comparable size to the existing properties on Red Lane and retains a considerable set back from the highway which conforms with the general pattern of development along Red Lane.

Subject to securing the proposed measures to replace the woodland, the proposal is considered to accord with Policy NE4 of the WDLP and Policies BG2 and BG7 of the Burton Green Neighbourhood Development Plan.

Impact on the living conditions of neighbouring dwellings and provision of a satisfactory living environment for the proposed dwelling

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

Given the size of the site and the relationship with neighbouring properties, the development would not have a harmful impact on the amenity of neighbouring properties with regard to light, outlook and privacy.

The floor plans demonstrate the future occupiers would benefit from acceptable levels of light and outlook. The rear garden would exceed the Council's minimum standards for private amenity space. As such the proposals could provide a satisfactory living environment for future occupiers of the proposed dwelling.

As such, it is deemed to accord with Local Plan Policy BE3.

Access and Parking

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

As a five-bedroom dwelling the development is required to provide 3 parking spaces according to the adopted Parking Standards SPD. The site has ample driveway parking for 3 cars and accords with the requirements of the SPD.

The Highways Authority were consulted on the application and raised no objection, subject to conditions relating to visibility splays, verge crossing, turning area and restriction on gates.

The development is considered acceptable having regard to Policies TR1 and TR3.

Ecology

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

WCC Ecology have objected to the scheme as the site would involve the loss of woodland habitat. Whilst this objection is understood, the woodland has been cleared prior to the submission of the application for a new dwelling and the clearance of the woodland is outside of planning control and does not require planning permission. Officers therefore are unable to refuse planning permission on the grounds of the loss of woodland. The applicant has accounted for the loss of the woodland in their Biodiversity Metric and propose to replace the lost area of woodland to the area north of the site and this has been accompanied by a Management Plan to demonstrate that this is achievable. Furthermore, a Preliminary Ecological Assessment has been undertaken which demonstrates that there would be no detrimental impacts to protected species.

Subject to securing the biodiversity enhancements, it is considered the proposal complies with Local Plan Policies NE2 and NE3.

Refuse

Officers note that adequate waste storage is provided within the proposed boundaries of the new dwelling.

Low Emissions Strategy

Warwick District Council has adopted an Air Quality and Planning Supplementary Planning Document (AQ SPD) (2019) to tackle the cumulative air quality impacts of new development in the district. The AQ SPD establishes the principle of Warwick District as an emission reduction area and requires developers to use reasonable endeavours to minimise emissions and, where necessary, offset the impact of development on the environment. The guidance sets out a range of locally specific measures to be used to minimise and/or offset the emissions from new development. The proposed development would be classified as a minor scheme under the AQ SPD and therefore Type 1 mitigation measures will be necessary. The provision of electric vehicle charging points for the new dwelling could be secured by condition.

The development is therefore considered to be in accordance with Local Plan Policy NE5.

Planning for Climate Change Adaptation

As required by the Council's Net Zero Carbon Development Plan Document (DPD) an Energy Statement has been submitted to show compliance with Policies NZC1, NZC2(A), NZC2(B), NZC2(C). It should be noted that policies NZC3 and NZC4 are not applicable to this application.

Following initial consultation with the Council's Net Zero Consultants, Bioregional, the Energy Statement has been amended. Bioregional have been re-consulted, and are satisfied with the submitted information, however suggested that further information is requested in order to be fully compliant with the aforementioned policies. The applicant has submitted an addendum to the Energy Statement which addresses the above issues raised by Bioregional. Therefore, Officers are satisfied that the development is now compliant with all relevant Net Zero Carbon Policies set out in the Council's DPD.

Therefore, the proposals are considered compliant with the relevant policies on the Net Zero Carbon DPD.

Water Efficiency

Further information has been submitted to demonstrate compliance with Local Plan Policy FW3 which Officers consider to be satisfactory.

Conclusion

Officers are satisfied the proposal for a new dwelling is acceptable in principle, would be of an acceptable design that is in keeping with the street scene and would not present harmful impacts to the amenity of neighbouring properties, highway safety or biodiversity. As such the application is recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 453.04, 475.03B, 475.01D, 475.02B, and specification contained therein, submitted on 04th December 2024. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby permitted shall not be occupied unless and until the submitted biodiversity enhancements have been completed in strict accordance with the approved details, with the exception of any planting, which must be completed within the first planting season following first occupation.

The biodiversity enhancement measures shall thereafter be retained and maintained in strict accordance with the approved details in perpetuity.

Reason: To ensure net gains in biodiversity, in accordance with the requirements of the NPPF.

- 4 The development hereby permitted shall be carried out in strict accordance with the details set out in Energy Statement submitted to the Local Planning Authority on 11th June 2024. **REASON:** To satisfy the requirements Policies CC1, CC3 and FW3 of the Warwick District Local Plan (2011-2029) and Policies NZC1, NZC2 (A,B and C) of the Warwick District Net Zero Carbon Development Plan Document (DPD).
- 5 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.
- 6 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.
- 7 The access to the site for vehicles shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 8 The development shall not be occupied until visibility splays have been provided to the vehicle access to the site with an 'x' distance of 2.4 metres and 'y' distances of 79 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 9 Any gates erected at the entrance to the site for vehicles shall not be hung so as to open to within 5.5 metres of the near edge of the public highway carriageway. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 10 The development shall not be occupied unless and until a turning area has been provided within the site so as to enable vehicle types to leave and re-enter the public highway in a forward gear. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
-

Application No: [W 24 / 0133](#)

Town/Parish Council: Leamington Spa
Case Officer: Thomas Senior
01926 456539 thomas.senior@warwickdc.gov.uk

Registration Date: 27/03/24
Expiry Date: 22/05/24

3 England Crescent, Leamington Spa, CV31 3JH

Erection of two storey side and rear extension to facilitate the increase in number of bedrooms from a 3 to 6 bed property. FOR Mr Asbool

This application is being presented to Committee due to an objection from the Town Council and an objection from a Ward Councillor, with this application recommended for approval.

RECOMMENDATION

Planning Committee is recommended to approve this application for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The applicant seeks planning permission for the erection of a two-storey side and rear extension to facilitate the increase in number of bedrooms from a 3 to 6 bed property.

As existing, the application property is a lawful 3 bed House in Multiple Occupation (HMO), with the proposed increase of bedrooms from 3 to 6 still within the remit of a property that falls within the C4 Use Class.

Therefore, whilst the proposal will result in the intensification of the existing use, planning permission is not required for a change of use as the property will remain within the same use class. As such, this report focuses only upon the proposed extensions.

THE SITE AND ITS LOCATION

The application site relates to one half of a pair of semi-detached dwellings located on the east side of England Crescent in a predominantly residential area.

RELEVANT PLANNING HISTORY

W/23/1537 – Planning permission was granted for a retrospective application for the change of use from a 3 bed dwellinghouse (Use Class C3) to a 3 bed House in Multiple Occupation (Use Class C4).

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR3 - Parking

Net Zero Carbon Development Plan Document

- NZC4 - Existing Buildings

Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS4 - Housing Character Outside the Conservation Areas

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council - Object to the proposal on the following grounds:

- Possible overdevelopment
- Biodiversity net loss
- Lack of parking survey
- Concerns over whether there is sufficient refuse storage

WCC Ecology - No objection.

Private Sector Housing - No objection, subject to confirmation from Contract Services that they are satisfied with the provision of refuse storage.

Contract Services - Object to the proposal on the grounds of no storage space being identified on the plans.

Public Response - Three objection comments have been received, one of these being from the Ward Councillor, Councillor Chilvers, with these objections covering the following grounds:

- Increased noise and disturbance
 - Impact on privacy
 - Parking and traffic concerns
 - Loss of light
 - No biodiversity net gain
 - Discrepancies in the application form
- No additional bin and cycle storage shown

ASSESSMENT

Design and impact on character and appearance of the streetscene

The NPPF (2023) places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 135 states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate external facing materials. Development is expected to function well and add to the overall quality of the area by appearing sympathetic to the local character and history.

Local Plan Policy BE1 echoes paragraph 135 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use. Proposals are also expected to reinforce or enhance the established urban character of streets and reflect, respect and reinforce local architectural distinctiveness.

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

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

The proposed rear extension is considered to have an acceptable impact on the streetscene, predominantly due to its siting at the rear resulting in it having a limited visual impact from public vantage points. Nevertheless, the proposed extension is comprised of a subservient design that is set down considerably from the ridgeline of the original property and comprised of matching materials that will harmonise with the host dwelling.

The Residential Design Guide SPD sets out guidance for two-storey side extensions. The proposed two storey side extension has been amended so that the entire side extension is set away from the shared boundary with 5 England Crescent by 1 metre at first floor level as set out in the SPD to avoid the creation of a terracing effect.

In addition, the first floor of the proposed two-storey side extension is set back from the front façade of the property by well over the 450mm outlined within the

Residential Design Guide SPD and is also appropriately set down from the ridge line of the original dwellinghouse (over 225mm) to create a subservient design.

The Residential Design Guide also sets out how side extensions should be no more than 2/3 of the width of the original property, with the proposed side extension also being in accordance with this design requirement. As amended, the proposed side extension is considered acceptable from a design perspective, providing a subservient addition to the original dwellinghouse that both maintains and reinforces the overarching character of the wider streetscene.

One of the grounds in which the Town Council have objected to the proposed scheme is in regards to the scheme being considered as a "possible overdevelopment". However, from the above assessment, it is considered that the proposed development is in accordance with the guidance set out within the Residential Design Guide, with this ensuring that the proposed scheme will appear as a subservient addition to the host property.

Therefore, in light of the above assessment, it is considered that the amended scheme would be in accordance with Local Plan Policy BE1, the Residential Design Guide SPD and Policy RLS4 of the Royal Leamington Spa Neighbourhood Plan.

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

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states that extensions should not breach a 45-degree line taken from the nearest habitable room of a neighbouring property. This serves to protect the extent to which neighbours can enjoy their own dwellings without undue disturbance or intrusion from nearby uses.

The proposed scheme will not result in a breach of the 45-degree line from either neighbouring property, with the proposed development therefore considered to have an acceptable impact on the light and outlook of neighbouring occupiers.

An objection comment has been received from the occupier of the adjoining property raising concerns in regards to the impact that the rear extension would have on their privacy, particularly in relation to potential views into their kitchen. This comment has been duly considered, however there are no windows proposed to the side elevation of the extension, with all windows facing directly out to the rear amenity space. Consequently, it is considered that the proposed rear extension will not result in a loss of privacy through overlooking into the neighbouring property.

An objection comment has also been received by the occupier of No.2 England Crescent, with this property lying opposite the application site. Within this comment, concerns are raised in regards to the impact the proposed development will have upon the loss of light to the front of this property and loss of privacy through people looking straight across to No.2.

Again, these comments have been considered and it is considered that the proposed scheme will have an acceptable impact upon the amenity of this neighbouring occupier.

Whilst the extension will introduce a two-storey side extension that will contain a window that will provide the outlook to Bedroom 5, this is positioned well over 22m away from the front of this property and is therefore in accordance with the distance separation guidelines and would not be considered to have an unacceptable impact the amenity of this occupier. Furthermore, the proposed extensions are considered to have an acceptable impact upon levels of light to this property.

The proposed scheme will also have an acceptable impact upon the current and future occupiers of the property, with all habitable spaces set to benefit from acceptable provisions of light and outlook. Additionally, the rear amenity space will be well above the minimum standard that is set out within the Residential Design Guide SPD.

Therefore, the proposal is considered to be in accordance with Local Plan Policy BE3.

Ecology

Local Plan Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to the wider biodiversity objectives and connectivity. Policy NE2 goes on to state that all proposals likely to impact on these assets will be subject to an ecological assessment.

As part of the application, the applicant submitted a Preliminary Bat Roost Assessment which concluded that there were no obvious features present at the property which would be suitable for crevice dwelling bat species. In light of this the County Ecologist has confirmed that they are content to conclude that protected species are unlikely to be impacted by the proposed works. Nevertheless, if approval were to be forthcoming, an advisory note relating to the protection of bats will be added to the decision notice.

Objection comments from both the Town Council and Councillor Chilvers have both commented on the potential loss of biodiversity from the proposal, stating

how the application does not indicate how a biodiversity net gain will be achieved. Whilst these comments have been noted, this is a "householder application" and applications of this type are not required to demonstrate how the proposed works would result in a biodiversity net gain. Consequently, as this exemption is present, there is no requirement for this additional information in the assessment of this application.

In light of the above, the proposal is considered to comply with Local Plan Policy NE2.

Parking

Local Plan Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards SPD.

A number of objections have been received in relation to parking provision, with these from the two public objection comments and from Leamington Spa Town Council and the Ward Councillor. The proposed development will increase the number of bedrooms from three to six, with this increase resulting in an increase in the number of allocated spaces required by the SPD from two to three.

It is considered that there would be sufficient capacity on-street to accommodate one extra vehicle, as set out within the Parking Standards SPD. Nevertheless, a parking survey has also been undertaken following the objection comments from Councillor Chilvers and the Town Council, with the results of this survey demonstrating that there is sufficient capacity in the area for one additional parking space as required.

As such, in light of the above assessment the proposed scheme is considered to be in accordance with the Parking Standards SPD and Local Plan Policy TR3.

Planning for Climate Change Adaption

As required by the Council's Net Zero Carbon Development Plan Document (DPD) Policy NZC4, an Energy Statement has been submitted which demonstrates a consideration to sustainable construction and design, in accordance with Local Plan Policy CC1 – Planning for Climate Change Adaptation. The applicant has demonstrated how the requirements for the policy have been complied with, as well as including justification as to why certain measures have not been incorporated, such as measures relating to minimising flood risk.

As such, the proposal is considered to be in accordance with the DPD and specifically Policy NZC4.

Refuse

Both the Town Council and Councillor Chilvers have raised concerns in regard to how the property will be able to accommodate the increased bin storage

requirements. Contract services have been consulted on the proposed scheme and have objected to the proposals on the basis that the plans do not show any storage space for the increased number of waste containers (2x240 litre grey refuse bins, 2x240 litre blue lidded recycling bins and 2x23 litre food waste bins).

However, the amended scheme has resulted in the proposed two-storey side extension being set in from the existing side boundary by just over 1m, meaning that there is now access to the rear amenity space without going through the dwellinghouse. Consequently, it is considered that this objection has been overcome, as there will be sufficient storage space within the rear garden, with the waste containers able to be moved externally to the roadside through this newly created side passage on waste collection day.

Other Matters

Within the objection received from Councillor Chilvers comments are made in regards to sections of the application form, with these relating to tree/hedge removal and whether the development can be seen from the public highway. Firstly, in regards to the tree/hedge removal, there are not considered to be any trees/hedges that would be impacted by the proposal. Secondly, whilst the applicant has stated in the application form that the site cannot be seen from the public highway, it is evident the side extension will be visible, however the rear extension would not be visible. As such, this is not considered to be an inaccurate statement when considering the assessment of the entire proposal.

A predominant concern within the objections received by the neighbouring occupiers relates to increased levels of noise and disturbance caused by the scheme. These issues were raised in the previous application on site, with this report setting out how the existing area is comprised of a very low concentration of HMO's, concluding how one additional HMO will not result in material harm to local residents that would warrant a reason for refusal on this application.

SUMMARY AND CONCLUSION

The amended scheme is considered to constitute good quality design in respect of providing a subservient addition which enhances the existing dwellinghouse whilst respecting the surrounding buildings in terms of its scale, form and adoption of appropriate materials. The proposal is also considered to have an acceptable impact on neighbouring amenity levels, ecology and parking. As such, the proposal is in accordance with the aforementioned policies, and it is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
 - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) MRA640 002C, and specification contained therein, submitted on 23/08/2024. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
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Planning Committee: 11 September 2024

Item Number: 7

Application No: [W 24 / 0224](#)

Town/Parish Council: Hunningham
Case Officer: Jack Lynch

01926 456642 Jack.lynch@warwickdc.gov.uk

Registration Date: 22/02/24

Expiry Date: 18/04/24

Mace Buildings Ltd, Long Itchington Road, Hunningham, Leamington Spa, CV33 9ER

Demolition of existing crane structure, to be replaced with erection of portal frame extension to existing workshop. Widening of existing access. FOR Mace Buildings Ltd

This application is being presented to Committee because 5 or more comments in support have been received and the application and is recommended for refusal.

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 planning permission for the proposed portal frame extension of approximately 538 Sqm. to an existing workshop building, following the demolition of an existing crane structure.

The applicant also seeks permission for the proposed widening of the access onto Long Itchington Road.

THE SITE AND ITS LOCATION

The application site relates to Mace Buildings Ltd. The application site is located on Green Belt land in the parish of Hunningham with access off Long Itchington Road, southeast of the junction where the road is met by the B4455.

The site is host to a workshop for S & H Steel Frames who manufacture steel frames that are supplied to multiple markets. The workshop and ancillary office building are both visible from Long Itchington Road. The workshop is completed with red brickwork at its base with steel cladding on the upper walls and roof, with the rear of the building being completed in green steel cladding. The ancillary office is a two-storey building completed in red brick.

PLANNING HISTORY

W/23/0798 - Proposed portal frame extension of approximately 965 Sq.m. to existing workshop building to enclose existing site storage area/crane.

Resubmission of planning application W/22/1701. Refused (Planning Committee – January 2024)

W/22/1701 - Proposed portal frame extension of approximately 965 Sq.m. to existing workshop building to enclose existing site storage area/crane – Withdrawn.

W/16/2138 - Outline application for the demolition of existing commercial units (Use Classes B1, B2 & B8) and the erection of 12 dwellings (Use Class C3) (outline application including details of access and scale). Withdrawn.

W/16/0406 - Change of use from B1/B2 to C3, demolition of existing buildings and erection of 13 dwellings. Withdrawn.

W/94/1445 - Erection of a storage building and a covered loading/unloading area (renewal of pp. W900033). Granted.

W/90/0033 - Erection of a storage building and a covered loading/unloading area. Granted.

W/89/1359 - Positioning of a sawdust extraction system. Granted.

W/84/1233 - Erection of a storage building and a covered loading/ unloading area. Granted.

W/61/3929 – Proposed extension to existing workshop for structural fabrication. Granted

W/61/3714 – Replacement of existing workshop, erection of new building, layout and car parking etc. Granted

W/54/1364 – Proposed living quarters over workshop. Granted.

W/52/0560 – Proposed agricultural machine workshop. Granted.

W/50/0479 – Workshop. Granted.

RELEVANT POLICIES

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

- Air Quality & Planning Supplementary Planning Document (January 2019)
- NZCSPD – Net Zero Carbon Supplementary Planning Document (SPD)
- NZC4 - Existing Buildings

SUMMARY OF REPRESENTATIONS

WCC Landscape – No objection.

WCC Ecology – No objection subject to the imposition of a condition requiring the submission of a Biodiversity Management Plan.

WCC Highways – No objection subject to the imposition of a condition requiring the widening of the access in accordance with plans whilst ensuring drainage is not compromised.

WDC Environmental Health – No objection.

Public response– Eleven comments in support of the application have been received. Points include:

- Maintains and increases employment opportunities, and
- Allows for improved efficiency and expansion of business operations.

ASSESSMENT

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

Paragraph 142 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence.

Paragraphs 152-155 of the NPPF set out the requirements for assessing proposals that affect the Green Belt. Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (NPPF, paragraph 153).

Paragraph 154 of the NPPF states that all new buildings in the Green Belt are inappropriate development unless they meet one of the exceptions set out. These exceptions are:

(a) buildings for agriculture and forestry;

(b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

(c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

(d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

(e) limited infilling in villages;

(f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

With regards to local planning policy, Policy DS18 echoes the requirements of the NPPF.

Officers would like to highlight that openness is the main consideration when assessing the impact on the Green Belt. The introduction of landscaping would not be considered to dilute any harm to openness, nor would it be considered a very special circumstance to overcome any harm to the openness to the Green Belt.

The applicant seeks planning permission to increase the size of the existing building by approximately 538 sqm, replacing the existing crane structure.

The gross internal floor area of the original workshop located on this site was approximately 360 sqm. Combining previous extensions, including this proposal, the proposed works would increase the internal floor area to approximately 1,300 sqm. This would be an increase in gross internal floor area by 261%.

In assessing planning applications against paragraph 154 of the NPPF, all new buildings in the Green Belt are considered to be inappropriate development unless they meet one of the exceptions set out. Officers do not consider the proposed works in this case to meet any of the exceptions within paragraph 154.

Exception (c) states, "the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building". Therefore, for the proposed works to be considered acceptable, the

addition would have to be considered a proportionate addition over and above the size of the original building.

This development includes the removal the existing open sided and open ended crane structure, to be replaced with an enclosed extension with a gross internal floor area of 538 sqm. This will contribute to an overall increase of the gross internal floor area by 261%. The combination of the additional floor area, bulk and massing of the extension would be considered a disproportionate addition over and above the size of the original building. Therefore the proposal does not meet exception (c).

Exception (d) states, "the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces". In the submitted planning statement, the applicant has stated, "The proposal is for a replacement building". This being the case, for the proposed works to be considered acceptable, the replacement building would have to be replaced with a new building that is in the same use and not materially larger than the one it replaces.

Officers would like to note that the proposal does not seek permission for the whole building to be replaced. The applicant wishes to replace the existing open crane structure with an enclosed building (extended off the main workshop). Firstly, officers are satisfied that the proposed replacement building will be of the same use. However, the enclosed extension that will replace the existing open crane structure will be materially larger than the one it replaces.

A recent appeal decision in the District provides some useful guidance on how to assess whether a replacement building is materially larger (APP/T3725/W/23/3326237). It states, "...Floor area and volume are not the only elements of size ...considering actual physical factors such as bulk, massing, scale and form could be used to indicate relative size for the purposes of determining whether a replacement building was 'materially larger' than the building(s) it would replace."

The amended drawings introduce an enclosed building (extension) which has significant additional bulk and massing over and above the open crane structure that it is to replace. With the existing crane being largely limited to just an open framework, this allows views through to open areas beyond and within the structure, thus limiting the impact on openness. The solid sides of the replacement building would obscure these views, thus appearing considerably more dominant and thereby materially larger. Therefore the proposal does not meet exception (d).

Furthermore, it is clear based on the use of the site and proposed works, that the development also does not meet exceptions a, b, e, f and g. Therefore the proposal constitutes inappropriate development within the Green Belt.

It is now necessary to consider the level of harm that would be caused to the Green Belt. In view of the significant size of the proposed building and the introduction of significant built form into what is currently an open structure, the

proposals would result in a significant reduction in the openness of the Green Belt. This would be a significant adverse impact, both visual and spatial terms.

It is now necessary to consider whether there are any very special circumstances that could outweigh the harm by reason of inappropriateness and the harm by reason of loss of openness.

The submitted economic report states, "The Development will secure the long-term success and growth of the business, it will secure the retention of the existing employment, as well as generate four additional rural jobs. Enabling the Development presents an excellent opportunity to support rural enterprise, enabling growth through expansion on previously developed land."

The applicant explains that the extension proposed in this planning application will enable the business to "function effectively, grow and expand". They highlight that the extended part of the building will be used to, "allow steel to be bought in bulk, which will reduce the number of deliveries and will help to increase the profitability of the business".

The benefits of the proposal as summarised above are recognised and weigh in favour of the proposal. However, in planning policy terms, as also set out above, weighed against that is the significant harm to the Green Belt which would result from this proposal which the Committee are required to give substantial weight to.

For that reason, there is an objection in principle to the development and planning permission should therefore be refused unless Very Special Circumstances can be demonstrated.

Whilst the benefits of the proposal are acknowledged, Officers do not consider that they comprise very special circumstances sufficient to outweigh the significant harm to the Green Belt.

In order to comprise such circumstances, the applicant's justification must be sufficiently compelling to demonstrate that it outweighs the harm to the Green Belt to which substantial weight must be given, for example by demonstrating the clear economic benefits of the proposal which can only be achieved at this location by means of an extension of this scale.

The purpose of the proposal is to provide additional storage capacity at the site which will improve the efficiency and effectiveness with which the business operates.

The applicant, in seeking to demonstrate that there are no alternative sites that would be suitable to meet the commercial needs of the company has submitted a marketing review.

As part of that the applicant notes that their requirements include:

- i. A stand-alone site,
- ii. A minimum of 15,000 sq ft of covered building space,
- iii. Suitable for heavy industrial use,

- iv. The building would require a minimum eaves height of 6 metres to allow operation of their crane hoist system to allow handling of steel work,
- v. A large external area suitable for lorry and trailer deliveries,
- vi. Close proximity of employee's houses. The business employs 20 members of staff, the majority of which live within 5 miles.

The marketing review completed a search at a 10-mile and 15-mile radius of the application site and concluded that there were no commercial properties currently available to meet the commercial needs of Mace Building Limited.

Officers have reviewed this document and consider that the parameters set regarding the site requirements are restrictive, not only in terms of the radius of search but also the nature of the specific requirements used.

Officers note that Leamington Spa and Coventry are 5 miles and 11 miles away respectively, with potential brownfield sites available, some of which have been referenced in the marketing review and discredited. Furthermore, other large towns in Stratford Upon Avon and Nuneaton are within 20 miles of the site, both also offering brownfield sites for such operations.

Officers therefore consider that the case advanced related to the lack of alternative appropriate sites isn't sufficiently robust to demonstrate that there are Very Special Circumstances in this case sufficient to outweigh the harm to the Green Belt.

During the lifetime of this application the applicant has noted that they would be willing to enter a unilateral undertaking not to implement the existing planning consent for a storage building included in a previous planning consent (W/94/1445). Condition 1 attached to this planning permission, stated that development should begin within 5 years of the permission. It is noted that this storage building has not been erected. Regardless of this, should the applicant provide evidence to suggest that works had taken place to begin the erection of this storage building, the suggestion of a unilateral undertaking restricting its erection would remain inappropriate. The storage building referenced is a very small building that is not comparable to the scale and mass of the proposed works in this application. Restricting the erection of this storage building would not outweigh the harm to the openness of the Green Belt.

As instructed by the NPPF, substantial weight must be given to this harm. The justifications for the proposal that have been advanced are considered to carry limited weight in Green Belt terms and are not considered to be sufficient to comprise Very Special Circumstances so as to outweigh the harm that has been identified (bearing in mind the substantial weight which must be given to the harm identified). Subsequently, the very special circumstances necessary to justify the proposal are not considered to exist.

Impact on character of surrounding area

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

Notwithstanding the harm identified to the openness of the Green Belt, the proposed design is considered to reflect the design of the existing workshop. The appearance of the workshop by way of its design does not have a negative impact on the character of the area due to the setting of the existing development.

The proposal is therefore considered to be in accordance with Local Plan policy BE1 and the NPPF.

Amenity of neighbouring properties

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

The nearest residential property is approximately 100 metres away. Therefore, due to the relationship between the proposed building and neighbouring properties, the proposal would not have a materially harmful impact on these adjacent occupiers. The proposal would therefore be acceptable in this regard.

The development is therefore considered to be in accordance with Local Plan policy BE3 and the NPPF.

Highways

Local Plan Policy TR1 states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists, public transport users, emergency vehicles, delivery vehicles, refuse vehicles and other users of motor vehicles, as appropriate. Policy TR3 states that development will only be permitted that makes appropriate provision for parking.

As part of the application, the applicant seeks to widen the existing access to the site. WCC Highways have been consulted as part of the scheme and provided the following comments, raising no objection to the amended plans:

“Drawing entitled “Proposed site – Rev C (04.07.24)” has been submitted as part of the re-consultation, and demonstrates that the proposed gate has been omitted from the layout, therefore allowing HGVs to drive into the site rather than over hanging the public highway while waiting for the gates to open, thus alleviating the previous concerns of the Highway Authority.

Based on the appraisal of the proposals and the supporting information in the planning application the Highway Authority’s response is one of no objection...”

The applicant has also provided sufficient parking as per the requirements of the Warwick DC Parking Standards SPD.

The proposal is therefore considered to be in accordance with Local Plan policy TR1, TR3 and Warwick DC Parking Standards SPD.

Ecology

Local Plan policy NE2 states that the Council will protect designated areas and species of national and local importance for biodiversity and geodiversity. Policy NE3 states that new development will be permitted provided that it protects, enhances and / or restores habitat biodiversity.

WCC Ecology have raised no objection to the proposal. They are satisfied that the submitted landscaping proposals would likely achieve a biodiversity net gain on site. Had the application otherwise been acceptable, a pre commencement condition would have been attached requiring the submission of a Biodiversity Management Plan.

The proposal is therefore considered to be in accordance with Local Plan policy NE2 and NE3.

Landscape

Local Plan Policy NE4 states that new development will be permitted that positively contributes to landscape character.

WCC Landscape have raised no objection to the proposed works.

The applicant has submitted a drawing to demonstrate the landscape proposals on site. The landscaping proposed will benefit the site's landscape character. The application is considered acceptable in this regard and in accordance with Local Plan Policy NE4.

Officers note that despite this, openness is the main consideration when assessing the appropriateness of development in the Green Belt. The introduction of landscaping would not be considered to dilute the harm to openness, nor would it be considered a very special circumstance to overcome harm to the openness to the Green Belt.

Sustainability

As required by the Council's Net Zero Carbon Development Plan Document (DPD) Policy NZC4, an Energy Statement has been submitted which demonstrates a consideration to sustainable construction and design, in accordance with Local Plan Policy CC1 – Planning for Climate Change Adaptation.

Conclusion

The proposal constitutes inappropriate development within the Green Belt and fails to preserve the openness of the Green Belt by virtue of being of an excessive height, mass, bulk and scale. The very special circumstances presented are considered to be insufficient to clearly outweigh the harm to the Green Belt.

The development is therefore considered to be contrary to the NPPF and Local Plan policy DS18.

REFUSAL REASONS

1 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Local Plan policy DS18 echoes the requirements of the NPPF.

It is considered that the proposal represents inappropriate development, which is harmful by definition. There would be substantial harm to the openness of the Green Belt in both visual and spatial terms and the development would represent encroachment which would conflict with one of the purposes of the Green Belt. It is not considered that there are very special circumstances which exist that clearly outweigh the harm to the Green Belt.

Planning Committee: 09 September 2024

Item Number: 8

Application No: [W 24 / 0480](#)

Town/Parish Council: Burton Green

Registration Date: 09/04/24

Case Officer: Rebecca Compton

Expiry Date: 04/06/24

01926 456544 rebecca.compton@warwickdc.gov.uk

Land fronting Red Lane, Burton Green, Kenilworth, CV8 1PB

Erection of 1no. dwelling and associated garage FOR Mr and Mrs Davies

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

This application seeks planning permission for a two-storey detached dwelling and garage, together with associated access and landscaping.

THE SITE AND ITS LOCATION

The application site is located close to the eastern edge of Burton Green, accessed off Red Lane. The site is washed over by Green Belt and sits outside the Growth Village Envelope.

PLANNING HISTORY

W/20/2161 - Erection of single dwelling and associated garage - allowed at appeal.

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- DS18 - Green Belt
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- TR1 - Access and Choice
- TR3 - Parking
- CC1 - Planning for Climate Change Adaptation
- FW3 - Water Conservation
- [Net Zero Carbon Development Plan Document](#)

- NZC1 - Achieving Net Zero Carbon Development
- NZC2(A) – Making Buildings Energy Efficient
- NZC2(B) - Zero or Low Carbon Energy Sources and Zero Carbon Ready Technology
- NZC2(C) - Carbon Offsetting
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Burton Green Neighbourhood Plan (2018-2029)

SUMMARY OF REPRESENTATIONS

Burton Green Parish Council: Object on the basis of the site being in the Green Belt and outside of the Growth Village envelope.

Sustainability Consultants - Bioregional: No objection to revised Energy Statement.

ASSESSMENT

Principle

The principle of a dwelling in this location has been established under planning permission ref: W/20/2161 which was granted at appeal. The current application is a re-submission of the same scheme, and no changes are proposed to the approved design. Planning permission ref: W/20/2161 remains extant; however, the applicant wishes to extend the time period for commencement which can only be achieved through a fresh planning permission.

Design and impact on the street scene

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

The application site is located in a semi-rural location and the street scene is characterised by large, detached dwellings of varying design. The proposed dwelling is two storey and is of a comparable scale to dwellings in the immediate area. The proposal has adopted a modern design which is considered acceptable owing to the varying style of dwellings in the immediate area. The dwelling has been located centrally within the plot and retains the existing building line with the adjacent dwellings at Two Oaks and Bahia House. Overall, the siting, scale and

design of the dwelling is considered acceptable and would not have a negative impact on the street scene.

The development therefore complies with Local Plan Policy BE1.

Impact on amenity

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a 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 Residential Design Guide SPD provides a framework for Policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45° line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

Neighbouring properties

The proposed dwelling would not breach the Council's adopted 45° line when taken from the nearest habitable rooms serving the neighbouring properties. The proposal would therefore not have a negative impact on the immediate neighbours in terms of loss of light and outlook.

Future occupiers

All habitable rooms would benefit from sufficient levels of light and outlook. As a 4 bedroomed dwelling, the Council's adopted Residential Design Guide SPD requires 60 sqm of private amenity space and the proposal provides in excess of 60sqm of private amenity space and therefore complies with the standard.

The proposal would have an acceptable impact on the amenity of neighbouring properties and would provide acceptable living conditions for the future occupiers of the dwelling.

Access and parking

The proposal includes a new access onto Red Lane which has previously obtained planning approval under planning permission ref: W/20/2161 and remains extant. All previous conditions relating to visibility splays and location of access gates will be carried forward.

Sufficient off-street parking in accordance with the Parking Standards SPD is provided.

Ecology

The applicant has submitted a Biodiversity Metric to demonstrate there would be no net loss of biodiversity. Due to the date of submission this application is not required to achieved mandatory net gains.

The applicant has submitted a Tree Survey which recommends tree protection measures, and a condition is proposed to secure this.

Planning for Climate Change Adaptation

As required by the Council's Net Zero Carbon Development Plan Document (DPD) an Energy Statement has been submitted to show compliance with Policies NZC1, NZC2(A), NZC2(B), NZC2(C). It should be noted that Policies NZC3 and NZC4 are not applicable to this application.

Following initial consultation with the Council's Net Zero Consultants, Bioregional, the Energy Statement has been amended. Bioregional have been re-consulted and are satisfied with the submitted information, however they suggested that further information is requested in order to be fully compliant with the aforementioned policies. The applicant has submitted an addendum to the Energy Statement which now addresses the points raised by Bioregional. Therefore, Officers are satisfied that the development is now compliant with all relevant Net Zero Carbon Policies set out in the Council's DPD.

Therefore, the proposals are considered compliant with the relevant policies on the Net Zero Carbon DPD.

Low Emissions

The proposal will result in additional vehicular movements and therefore there is a requirement for the provision of an electric charging point in accordance with the Council's adopted Air Quality SPD. The proposed plans indicate that an electric charging point will be provided. A condition requiring the installation and details of the charging point will be added to secure this.

Water Efficiency

A condition to ensure compliance with Policy FW3 will be added to any approval granted.

Waste

Waste and recycling storage are able to be accommodated within the site boundaries.

Conclusion

This application is a re-submission of an extant permission for a new dwelling and garage, the design is unchanged compared to the extant scheme. There have been no material planning considerations since the previous permission that would lead officers to a different decision in this case. This application is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 453.01, 453.02, 453.03, 453.04, 453.05, and specification contained therein, submitted on 09th April 2024. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the Tree Survey Report for Land at Red Lane, Burton Green, Kenilworth, CV8 1PB by Cotswold Wildlife Surveys 3865-CWS-02, dated 7 December 2020, have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, and 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 such that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure; and, that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 4 The development hereby permitted shall only commence in line with the approved Construction & Environment Management Plan produced by Cotswold Wildlife Surveys, dated June 2024. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.
- 5 No development shall commence until the road traffic sign sited roadside of the application site and as indicated on Drawing 453.01, has been re-sited in accordance with details submitted to and approved by the

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

- 6 The access to the site for vehicles shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 7 The development hereby permitted shall only be carried out in strict accordance with the drainage details as shown on drawing number: 453.05. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.
- 8 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 9 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.
- 10 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in

accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.

- 11 The development hereby permitted shall not be occupied until visibility splays have been provided to the vehicle access site with an "x" distance of 2.4meters and a "y" distance of 120 meters to the near edge of the public carriage highway. No structure or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 meters above the level of the public highway carriageway. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 12 The development hereby permitted shall not be occupied until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented as an integral part of the development in full and be maintained in accordance with the approved plan for the duration 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 Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 13 The development hereby permitted shall not be occupied unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates, footpaths, and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased, shall be replaced in the next planting season with another of the same size and

species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

14 No external lighting shall be provided on the site until details of all external light fittings and external light columns have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

15 The development hereby permitted shall be carried out in strict accordance with the details set out in Energy Statement submitted to the Local Planning Authority. **REASON:** To satisfy the requirements Policies CC1, CC3 and FW3 of the Warwick District Local Plan (2011-2029) and Policies NZC1, NZC2 (A, B and C) of the Warwick District Net Zero Carbon Development Plan Document (DPD).

Planning Committee: 09 September 2024

Item Number: 9

Application No: [W 24 / 0568](#)

Town/Parish Council: Rowington

Case Officer: Sophie Lad

01926456537 sophie.lad@warwickdc.gov.uk

Registration Date: 29/04/24

Expiry Date: 24/06/24

**Old Beams, Lapworth Street, Bushwood, Lowsonford, Henley-in-Arden,
B95 5HJ**

Excavation works to reduce ground level to level of existing patio and driveway,
formation of hardstanding and erection of new gabion retaining walls FOR MR
BENTON

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The applicant seeks planning permission for excavation works to reduce ground level to level of existing patio and driveway, formation of hardstanding and erection of new gabion retaining walls.

THE SITE AND ITS LOCATION

The application site relates to a detached dwellinghouse located in a village location off a minor road, Lapworth Street, behind a driveway. This site is in the Lowsonford Conservation Area and washed over by Green Belt.

PLANNING HISTORY

W/12/0125 - Erection of two storey extension to side and rear - Granted.

W/17/1721 - Erection of new dwelling - Granted.

W/19/0185 - Excavation of ground to lower level by approx. 2.30 metres. Erection of a detached garage. New access and dropped kerb. This application is for part-retrospective works - Withdrawn.

W/19/0669 - Excavation works to reduce ground levels by approx. 2.40 metres (from highest ground level on slope) together with associated hard and soft landscaping scheme and formation of dropped kerb to create new access off highway (part retrospective application) - Granted.

W/20/0668 - Erection of new dwelling - Granted.

W/21/0921 - Variation of Condition 2 (approved drawings) of planning permission ref: W/20/0668 (*Erection of new dwelling*) to increase the height of the dwelling by 600mm with associated reduction in ground level of 900mm - Granted.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- DS18 - Green Belt
- HE1 - Protection of Statutory Heritage Assets
- HE4 - Archaeology
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- FW2 - Sustainable Urban Drainage

SUMMARY OF REPRESENTATIONS

Rowington Parish Council: Objection on grounds of impact on Conservation Area and streetscene.

WDC Conservation: No objection

WCC Archaeology: No objection

Public Response: 1 objection from neighbour on grounds of harmful visual impact on area and character of the village.

ASSESSMENT

Whether the proposal constitutes appropriate development in the Green Belt

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence, and therefore any proposal which seeks to impact on the character of the landscape must be assessed in terms of its potential impacts to the rural nature of the surrounding environment. Local Plan Policy DS18 stipulates that the Council will apply national planning policy to proposals within the Green Belt.

Paragraph 154 of the NPPF sets out exceptions to inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of it, including land within it. One the exceptions set out is engineering operations. Officers consider the addition of the gabion wall and excavation of land

an engineering operation, which will preserve the openness of the site and is not considered to cause harm to the Green Belt.

The proposal is considered to be acceptable with regards to Policy DS18 and the NPPF insofar as whether the proposal constitutes appropriate development in the Green Belt. Therefore, the proposal is considered to be acceptable in principle.

Design and impact on the on the character of the area, streetscene and wider Conservation Area

Paragraph 207 of the NPPF states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Paragraph 208 states where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use. This is also reflected in Local Plan Policy HE1.

Local Plan Policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals should demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form so that the established character of the street scene is respected. Policy BE1 states that in order to do this the development should adopt appropriate materials and details and respect the surrounding buildings in terms of scale, height, form and massing. The adopted Residential Design Guide SPD also sets out design principles to which development proposals will be expected to comply.

The proposal includes excavation of the raised ground to level of the existing patio and driveway. The existing curved gabion wall positioned centrally within the garden is to be removed. The proposal seeks to construct a new gabion wall to the boundary, in front of the existing vegetation. The proposed gabion wall is set back from the road and is therefore considered to have limited visual impact. However, in interest of protecting the visual landscape, Officers consider it necessary to impose a condition to secure planting details to the gabion wall. Planting will help integrate the proposals into the landscape, in a similar approach to that adopted in the previously approved proposals (W/19/0669). Subject to this condition, the impact of the proposal is considered neutral. WDC Conservation have been consulted and raise no objection. Proposals are therefore considered to have an acceptable impact on the streetscene and character of the wider conservation area.

An objection has been received raising concerns that the land levels in this location are an integral part of the village and to allow an openness feel in this location opposite a landmark Public House would damage its integrity. Whilst it is acknowledged the excavation would result in visual change to the landscape, for the aforementioned reasons Officers consider the proposals to be acceptable.

A new surface is proposed to the area being excavated which will comprise of slabs, gravel topcoat, open graded aggregate and permeable fabric. Information

has been provided to show the new hardstanding surface and sub-base are permeable and therefore Officers consider it acceptable.

The Parish Council have commented that the continued works to the property would be at odds with the character of the Conservation Area, particularly in relation to the vista from the neighbouring white cottages and the street scene. In response to comments from the Parish Council, WDC Conservation confirm they have no objection in regard to the works proposed in this application and the impact is considered to be neutral. Officers agree with the Conservation team and the proposal is not considered to be harmful to the overall character of the area.

The Parish Council also raise concerns over the removal of more of the ancient hedgerow. The plans do not identify any planting to be removed. Furthermore, the Design and Access Statement confirms no hedgerow is to be affected. In any case, hedgerows within the curtilage of dwellinghouses are not protected. Therefore, Officers are satisfied that there is no concern with regard to the hedgerow.

Impact on the amenity of nearby properties

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

It is considered that the proposed development will not cause material harm to the amenity to the nearby neighbours. The excavation and proposed landscaping scheme will not provide increased opportunities for overlooking, nor will it block light to any windows serving habitable rooms on the elevations of the neighbouring properties. The proposed gabion wall is low level in height and is integrated into existing landscape.

The proposed development is therefore considered to be in accordance with Local Plan Policy BE3.

Other Matters

Archaeology

WCC Archaeology have been consulted. The Archaeologist acknowledges that a previous programme of evaluative fieldwork undertaken on this site did not identify any archaeological features or deposits. In view of this information, they are of the opinion that the proposed scheme is unlikely to have a significant archaeological impact. They confirm they have no archaeological comments to make on this application.

Gabions

The Parish Council has concerns that Condition 1 of planning permission ref: W/19/0669 has not been complied with, specifically the planting details on the gabion wall. However, Officers note that compliance with previous approvals is not relevant to the assessment of the current application and is a separate matter, and therefore does not form a material planning consideration. In addition, the

Conservation Officer has referenced a condition for an adjacent approval which similarly is not relevant to this site and does not form part of this application. As noted above a condition will be attached to secure further details regarding planting to the proposed gabion to protect the visual impact on the landscape.

Car Port

The Car Port shown on the submitted drawings has not been considered as part of this application. Officers note the D&A Statement claims the structure has been established for 4 years, however this has not been considered by Officers and it does not form part of the proposals.

CONCLUSION

The proposal is considered to have a neutral impact on the streetscene and Conservation Area and is considered to comply with Local Plan Policies DS18, BE1 and HE1. The application is therefore recommended for approval, subject to conditions.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 6072-02 (revision A) and specification contained therein, submitted on 12/07/2024 and 6072-03 (revision A) and specification contained therein, submitted on 21/08/2024. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No works shall commence on the construction of the gabion wall until details of landscaping works have been submitted to and approved in writing by the Local Planning Authority. Details of soft landscaping works shall include details of proposed planting to the gabion walls. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the date of this approval. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual

amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

Planning Committee: 11 September 2024

Item Number: 10

Application No: [W 24 / 0623](#)

Town/Parish Council: Leamington Spa
Case Officer: James Moulding

01926 456728 james.moulding@warwickdc.gov.uk

Registration Date: 12/06/24

Expiry Date: 07/08/24

House 3 & 4, 151 Leam Terrace, Leamington Spa, CV31 1DF

Application for Variation of Condition 2 of application W/23/0728 (part retrospective) - Increase in depth of single-storey rear extension at No. 3, alterations to first-floor rear extension roof at No. 4 to a gable end. FOR Mr and Mr Dhesi

This application is being presented to Committee due to the number of objections received. The application was deferred at the Planning Committee on 13 August 2024 to enable a site visit to take place.

RECOMMENDATION

It is recommended that this application is GRANTED for the reasons set out in this report.

DETAILS OF THE DEVELOPMENT

Application for Variation of Condition 2 of application W/23/0728 (part retrospective) - Increase in depth of single-storey rear extension at No. 3, alterations to first-floor rear extension roof at No. 4 to a gable end.

THE SITE AND ITS LOCATION

The application site relates to two properties which are located in the Royal Leamington Spa Conservation Area. They form properties 3 & 4 of a 4 dwelling terrace. The application property has permitted development rights under Part 1 and Part 2 removed.

PLANNING HISTORY

W/22/1743 - Rear first floor extension to No.151/3. Rear first floor, side and rear ground floor extensions to No.151/4. – Granted

W/23/0728 - Rear first floor extension to No.151/3. Rear first floor, side and rear ground floor extensions to No.151/4. – Granted

W/23/1707 - Property - 151/3 Rear ground and first floor extensions with room in roof space over. Property - 151/4 Rear ground, first and side extensions with room in roof space over. – Refused

W/24/0083 - Variation of Condition 2 for application W/23/0728 - amendments to propose an increase of the roof height of approved extension. - Refused

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- NZC4 - Existing Buildings
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS3 - Conservation Area

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

Conservation: Objection to incorporation of boundary wall into side extension, considered to blur the lines between the boundaries and the structure, whilst also increasing the massing of the structure. Detrimental to the Conservation Area to have the ground floor development completely envelop the site, current visual distinction by retaining the existing boundary wall is considered to be more appropriate. No objections to roof alterations at No. 4 and increase in height and depth of single-storey rear extension at No. 3.

Objection considered addressed on receipt of amended plans which reinstate the separate boundary wall.

WCC Ecology: Objection pending photos to determine the need for a preliminary bat roost assessment - considered unreasonable given the fallback position of comparable works receiving planning permission.

Public Response: 6 objection and 7 support comments raising both material and non-material planning considerations (summarised below):

Objections:

- Development overshadows neighbouring property, impacts on neighbouring light,
- Overlooking of neighbour, privacy concerns from side facing windows,
- Breach of 45-degree line,
- Noise pollution impact on neighbouring property,

Support:

- No impact on the Conservation Area or street scene, development to rear,
- In line with extensions to other properties,

Other (non-material)

- Contentions relating to the applicant's status as a 'building contractor',
- Party wall related issues,
- Miscellaneous building control matters such as drainage,
- Quality of submitted plans.

ASSESSMENT

BE1 Design & HE1 Impact on Heritage Asset

The NPPF (2023) places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 135 states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate external facing materials. Development is expected to function well and add to the overall quality of the area by appearing sympathetic to the local character and history.

Local Plan Policy BE1 echoes paragraph 135 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use. Proposals are also expected to reinforce or enhance the established urban character of streets and reflect, respect and reinforce local architectural distinctiveness. The Council's adopted Residential Design Guide SPD provides guidance to help make the assessment of good design under Policy BE1.

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

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

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is supported by Policy HE1 of the Warwick District Local Plan 2011-2029 which states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

It should be noted that the majority of the development seen in the proposed plans has already received planning permission under application ref: W/23/0728.

Therefore, the only development under assessment in this application is the alteration to part of the first-floor rear extension roof at No. 4, and the alterations to the single-storey rear extension at No.3.

Amended plans have been received which remove the proposed development of building the single-storey side and rear extension at No. 4 up to and on top of the existing boundary wall. This element was objected to by the Conservation Officer, Planning Officers, and the public. It is therefore considered that objections relating to this element have been overcome as the design is now in accordance with that which has already received planning permission.

The proposed development includes a change to the original lean-to first floor roof at No. 4 to a gable design. It is not considered that this change would result in an unacceptable design due to its location at the rear between the two-storey side and rear extension and the neighbouring first-floor rear extension. It is also considered consistent with the gabled architectural design of the host dwelling. No objections from the Conservation Officer or the public have been made to this change.

The second element of change is to the single-storey rear extension at No.3, including increasing the projection to the rear and the overall height of the structure. It is noted that the shell of this element has already been constructed. The proposed increase in depth would bring this extension in-line with the single-storey rear extension previously approved at No. 4, as such there is no objection to the proposed depth. The proposed height increase is in relation to the eaves. The previous hipped design would have a higher apex at 4m, while the proposed flat roof would have a height of 3.3m. Given the siting of the extension adjacent to an already approved flat roofed extension, and the previous approval, it is not considered that the proposed design would result in any further harm to the Conservation Area or result in unacceptable design. There is no objection to this element from the Conservation Officer or the public.

It is therefore considered that the proposed development would comply with Local Plan Policies, BE1, HE1, Residential Design Guide SPD, and Neighbourhood Plan Policy RLS3.

In making this assessment, I have had regard to the weight that should be given to the desirability of preserving the special interest and setting of the heritage assets.

BE3 Neighbouring Amenity

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents. Furthermore, the Residential Design Guide Supplementary Planning Document includes the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

Several objections have been raised regarding the proposed development's impact on neighbouring light, outlook, privacy, and noise pollution. It should be

noted that the majority of this scheme already benefits from approval, and that the only aspects relevant for assessment are the change in roof design on the first-floor rear extension at No. 4, and the increase in depth and eaves height of the single-storey rear extension at No. 3.

Due to the positioning of the first-floor rear extension change, between the two-storey rear and side extension and two-storey rear extension at No. 3, it is not considered that this change would have any increase in impact on the amenity of neighbouring occupiers. There would be no breach of the 45-degree line or increase in overlooking from this element. It is also not considered that the increase in projection to the single-storey rear extension at No. 3 would result in a breach of the 45-degree line to the neighbouring rear extension.

Comments received regarding an increase in overlooking from the side facing windows are addressed by these elements having received planning permission and being conditioned as obscure glazed and non-opening up to 1.7m.

It is therefore not considered that the development proposed in this application would result in any increased harm to the amenity of neighbouring occupiers.

The proposed development would comply with Local Plan Policy BE3 and the Residential Design Guide SPD.

Ecology

The county ecologist has objected and requested that photos are provided to determine whether or not a preliminary roost assessment should be required. This is considered unreasonable as the applicant benefits from a fallback position which would result in comparable works and therefore impact.

Other Matters

Public objections have also been received relating to queries about the applicant's status as a 'building contractor', party wall disputes, building control issues such as drainage, and the quality of the submitted plans.

It should be noted that the majority of these are not planning matters and therefore hold no bearing on the determination of the application. Regarding the plans, such plans have been accepted on previous proposals and are technically sufficient to warrant a valid submission. It is considered unreasonable to reject the submitted plans.

Summary

The proposals are considered to have an acceptable impact on the character and quality of the street scene and Conservation Area through the proposed layout, building materials and scale of the development. The proposals would also have an acceptable impact on the living conditions of neighbouring dwellings. The proposals are therefore in accordance with Local Plan Policies HE1, BE1, BE3, the Residential Design Guide SPD, and Neighbourhood Plan Policy RLS3. It is recommended this application is GRANTED.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
 - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 2300/3/, 2300/4/, and specification contained therein, submitted on 25/07/2024. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
 - 4 Prior to the occupation of the development hereby permitted, the windows in the south facing elevation of house number 4 shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of future users and occupiers of the property and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
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Lead Officer: Gary Fisher

Review of the WDC Conservation Advisory Forum (CAF)

Summary

The purpose of this report is to provide Planning Committee with an update on the operation of the Conservation Advisory Forum and make recommendations for revisions to the way in which the Forum operates.

Recommendation(s)

Planning Committee is recommended to authorise the following amendments to the operation of CAF and its Constitution:

1. The reduction in the quorum required by 1 person, so that quorum is achieved with the presence of the Chair and/or Vice Chair **AND 4** other representatives.
2. The addition of the Kenilworth Archaeology and History Society to have a permanent representative on the Forum.
3. The removal of groups from the Forum who either no longer exist, or have not attended a meeting over the last 12 months **AND** have not responded to enquiries asking whether they wish to continue being represented on the Forum.
4. The delegation of authority to the Principal Conservation Officer or nominee in consultation with the Chair, or in their absence, the Vice Chair of the Forum to invite representatives from appropriate organisations to join the Forum and to remove persistent non-attending organisations from the Forum.
5. The flexibility to operate the Forum via on line meetings with occasional in person meetings to be determined on a case by case basis by the Principal Conservation Officer or nominee in consultation with the Chair, or in their absence, the Vice Chair of the Forum.
6. The delegation of authority to the Development Manager, or nominee to determine the frequency with which reviews of the operation of the Forum are to be undertaken.

1 Reasons for the Recommendation

Background

- 1.1 The Council's Conservation Advisory Forum (CAF) is a longstanding working party established by the Planning Committee comprising a Chair and Vice Chair (WDC Councillors) along with representatives from a number of community and professional organisations with specialist conservation and heritage knowledge.
- 1.2 The Forum meets every 4 weeks to review a selection of current planning application proposals where there is a conservation/heritage element, providing expert heritage and conservation advice to the Council, as Local Planning Authority on those planning applications.

- 1.3 The manner in which the Forum operates is set out in its Constitution which covers a range of matters including, but not limited to:-
- The quorum required for a meeting of the Forum to take place. This is currently the Chair and/or Vice Chair and 5 other representatives.
 - The organisations co-opted into the Forum – these are set out in the Constitution and there is currently no discretion afforded to Officers or members of the Forum to add or remove organisations. This means that Planning Committee authorisation is required where that is necessary.
 - The format and location of meetings, stating that meetings are usually to take place in person at Riverside House. Again, there is no discretion afforded to Officers or members of the Forum to deviate from that approach.
 - The undertaking of an Annual Review of the operation of the Forum by the Development Manager.
- 1.4 The CAF constitution, as proposed to be revised is attached at Appendix 1.
- 1.5 Over the last 12 months, the Forum has considered and provided advice on 14 planning proposals and addressed the Council’s Planning Committee in person in respect of 2 of those schemes.
- 1.6 The advice provided by the Forum is a material planning consideration in the determination of the planning applications for the proposals on which they have commented.
- 1.7 The Forum’s membership is drawn from a wide range of community organisations including the Leamington Society, the Warwick Society, the Warwickshire Gardens Trust and the 20th Century Society.
- 1.8 Since the pandemic, CAF meetings have taken place predominantly online with the Quorum required for a meeting to take place as summarised above.
- 1.9 Over recent months, it has proved challenging to consistently achieve the quorum required which has meant that out of the 13 scheduled meetings over the last 12 months, 6 have been cancelled as a result of the absence of quorum.
- 1.10 In return for the expertise provided by CAF, the WDC Conservation Team administer and facilitate each meeting including the Officer time spent attending the meetings along with preparing an agenda, assembling a presentation of schemes, and writing up and distributing the minutes. It is estimated that the preparation for and attendance at each meeting accounts for 6-8 hours of Officer time per meeting.
- 1.11 It is important that the time spent by Officers in supporting the Forum should be viewed within the context of the wider responsibilities of the 2 person Conservation Team. In addition to the CAF responsibilities, the team has a full workload including responding to planning applications on heritage matters; dealing with applications for Listed Building Consent; undertaking Conservation Area reviews, reviewing and updating the Local List of Historic Buildings and providing advice and guidance to a range of customers in protecting the historic environment.
- 1.12 Following discussions with the Chair and Vice Chair of the Forum and the Council’s Principal Conservation Officer, notwithstanding the relatively limited number of proposals considered, the contribution that CAF makes to the consideration of those planning applications in the provision of specialist independent heritage expertise is acknowledged and valued.

- 1.13 However that benefit is to be balanced with the resources required to facilitate the Forum from WDC Officers; Councillors and the volunteers who make up the group. To operate effectively, it is considered that the Forum should meet on the planned regular 4 weekly basis which has recently been hampered through repeated low attendance and absence of quorum. The resulting cancellation of multiple meetings has resulted in recurring wasted resource and at the level that it has been occurring, is considered to be unsustainable.
- 1.14 As summarised above, it should also be noted that there is limited flexibility within the current CAF constitution to enable appropriate Officers and members of the Group to make operational decisions concerning, for example the membership of the group and the manner in which the group meets without seeking authority from Planning Committee. That position is now considered to be operationally inefficient and counter intuitive.
- 1.15 Therefore, in order to seek to address the issue of repeated low attendance and the absence of quorum, along with the smoother administration of the Group, the following measures are proposed:-
- The reduction in the quorum required by 1 person, to be the Chair and/or Vice Chair **AND 4** other representatives.
 - The addition of the Kenilworth Archaeology and History Society to have a permanent representative on the Forum.
 - The removal of groups from the Forum who have not attended a meeting over the last 12 months **AND** have not responded to enquiries asking whether they wish to continue being represented on the Forum.
 - The delegation of authority to the Principal Conservation Officer or nominee in consultation with the Chair, or in their absence, the Vice Chair of the Forum to invite representatives from appropriate organisations to join the Forum and to remove persistent non-attending organisations from the Forum.
 - The flexibility to operate the Forum via on line meetings with occasional in person meetings to be determined on a case by case basis by the Principal Conservation Officer or nominee in consultation with the Chair, or in their absence, the Vice Chair of the Forum.
 - The delegation of authority to the Development Manager, or nominee to determine the frequency with which reviews of the operation of the Forum are to be undertaken.

Planning Committee are therefore asked to endorse those proposals and authorise Officers to update the CAF Constitution accordingly as set out at Appendix 1.

2 Alternative Options

- 2.1 The Committee could decide not to authorise the changes proposed, however it is considered that such a position would be detrimental to the recovery of the effective operation of CAF.
- 2.2 Alternatively, another option is to consider disbanding CAF. At this stage, such a proposal is considered to be premature and would impact upon the different ways in which heritage advice is provided within the District.
- 2.3 However, should the measures proposed herein be agreed by Planning Committee and at the time of the next review, subsequently be demonstrated not to have been

successful, that option would be reconsidered.

3 Legal Implications

3.1 There are no specific legal implications of the proposal.

4 Financial

4.1 There are no specific financial implications of the proposals.

5 Business Strategy

5.1 The proposals are intended to enable CAF to continue to operate with support from Officers to ensure their continued input into the planning process in the interests of the protection of heritage within the District.

6 Environmental/Climate Change Implications

6.1 There are no specific implications anticipated from this proposal.

7 Analysis of the effects on Equality

7.1 It is anticipated that the proposal to host the majority of meetings online will increase accessibility to the meetings for the members of the group without the need to travel which will also assist with ensuring quorum.

8 Data Protection

8.1 The service will continue to fulfil its data protection obligations with any issues being addressed quickly and appropriately.

9 Health and Wellbeing

9.1 Increased effectiveness within the planning application process, which CAF contributes to will assist with ensuring the right development occurring in the right place and at the right time supporting the health and well-being of residents, workers and visitors within the District.

10 Risk Assessment

10.1 The proposals are directing at increasing the effectiveness of the operation of CAF, thereby reducing the risk of the group functioning less effectively which could impact on its continued operation with WDC support.

10.2 There is a risk that, without the implementation of the proposed measures, the operation of CAF may become increasingly ineffective in terms of the Officer, Councillor and Volunteer resources that are required for it to function with consequent impacts upon the quality and extent of the advice provided by the group to the detriment of the heritage of the District.

Background papers:

Please provide a list of any papers which you have referred to in compiling this report and are not published documents. This is a legal requirement.

You must also supply these when submitting the report.

Supporting documents:

This is not a legal requirement but may assist others in identifying documents you have referred to in producing the report.

Appendix 1

Warwick District Council

Conservation Advisory Forum Constitution

Purpose & Role

The purpose of the Conservation Advisory Forum is to assist in protecting and enhancing the District's special historic and architectural character

The role of the Conservation Advisory Forum is therefore:

1. To provide expert, constructive, impartial advice on historic buildings and their use, historic landscapes, and Conservation Areas to:
 - a. potential applicants and the Council at the pre-application stage (before submission) of an application that may affect the historic environment;
 - b. applicants and the Council (including the right to speak at Planning Committee on any item) by commenting on planning, listed building, conservation, advertisement, and tree applications that may affect the historic environment;
 - c. the Council and other bodies, such as Town and Parish Councils, on the designation of the historic environment, and formulation of policy and guidance relevant to the historic environment;
 - d. the Planning Inspectorate when determining appeals for planning and listed building applications that may affect the historic environment; and,
 - e. the Council and other statutory bodies when undertaking works under their statutory powers that may affect the historic environment.
2. To draw the Council's attention to possible unauthorised works to the historic environment; and,
3. To provide a forum for the sharing of knowledge and experience of best practice in relation to the historic environment between members of the Forum, officers of the Council and developers.

The Forum is an informal consultative body organised by Warwick District Council.

Membership & Roles

The Forum will consist of the following members:

1. Two elected Members of Warwick District Council who have an interest in the historic environment and planning matters.

Their role is to Chair and Vice Chair the Forum, give legitimacy to the Forum, inform its views through sharing their knowledge, and help develop their experience of the historic environment and planning matters.

The Chair of the Forum shall also act as the Council's Heritage Champion in promoting the historic environment both within the Council and the wider community. The Vice Chair shall be a Member with a desire to have a future involvement in Planning matters.

Elected Members may feedback the views of the Forum to District Council Ward Members as appropriate to individual cases.

2. One representative from each of the following organisations who will be invited to represent the views of that organisation on the historic environment at the Forum:

- a. Leamington Society
- b. Warwick Society
- c. Kenilworth Society
- d. Whitnash Society
- e. Victorian Society
- f. Georgian Group
- g. Twentieth Century Society
- h. Warwickshire Gardens Trust
~~Central Leamington Area Residents Association~~
- i. Royal Town Planning Institute
- j. Royal Institute of British Architects
- k. Royal Institute of Chartered Surveyors
~~Royal Leamington Spa Chamber of Trade~~
~~Warwick Chamber of Trade~~
~~Kenilworth Chamber of Trade~~
- l. Campaign to Protect Rural England
- m. Representative of the Rural Community Forums
- n. The Kenilworth Archaeology and History Society**

Elected Members and representatives will be allowed to nominate a substitute to carry out their duties in the event of them being unable to attend a Forum meeting. A meeting will only be considered quorate if at least one elected Member and ~~five~~ **four** representatives are in attendance.

The Principal Conservation Officer or nominee in consultation with the Chair, or in their absence, the Vice Chair of the Forum may use their discretion to invite representatives from appropriate organisations to join the Forum and may remove persistent non-attending organisations from the Forum.

Operation of the Forum

The Forum will normally meet every four weeks ***usually online with occasional in person meetings, the location and format of each meeting to be determined on a case by case basis by the Principal Conservation Officer or nominee in consultation with the Chair, or in their absence, the Vice Chair of the Forum. The meetings will*** normally starting within the usual business hours of Warwick District Council.

The Forum is not a public meeting and members of the public will not be allowed to attend.

The Forum will be facilitated by officers from Development Services who will:

- a. prepare and distribute an agenda for each meeting;
- b. arrange for any invited participants to attend the Forum to present items, in accordance with criteria a, c and e of the agreed purpose and role of the Forum above;
- c. present items to the Forum for their consideration;
- d. record the consensus view (or opposing views where there is no consensus) of the Forum and feed this back to the Council or other relevant organisation as appropriate; and,
- e. publish the agenda and record of the meeting on the Council's website.

The more detailed operation of the Forum shall be agreed by the Chair and Vice Chair, in consultation with the Forum and the Development Manager.

Annual Review of the Forum

The Development Manager will measure the effectiveness of the Forum in delivering its purpose, and undertake ***a regular*** ~~an annual~~ review of its membership and operation with the ***appropriate frequency of that review to be determined by the Development Manager on an ongoing basis.***

A ~~An Annual~~ Report demonstrating the Forum's performance over the previous ~~year~~ ***period*** and the output of the above review will be reported to the Forum, before being reported to the Planning Committee. Any amendments to the Constitution must receive approval by the Planning Committee, or its successors.

Updated: September 2024.