

Planning Committee Wednesday 9 September 2020

A meeting of the above Committee will be held remotely on Wednesday 9 September 2020, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor Boad (Chairman)
Councillor Morris (Vice Chairman)

Councillor M Ashford
Councillor V Leigh-Hunt
Councillor R Dickson
Councillor N Murphy
Councillor T Heath

Councillor N Tangri
Councillor O Jacques
Councillor J Kennedy
Councillor J Weber

Agenda Part A – General

1. Apologies & Substitutes

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

2. Declarations of Interest

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

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

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

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

3. Site Visits

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

4. Minutes

To confirm the minutes of the meeting held on 11 August 2020

Part B – Planning Applications

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

5. **W/19/1473 – Former Harvester Restaurant, Stratford Road, Warwick**
(Pages 1 to 11)
6. **W/19/1492 - Former Harvester Restaurant, Stratford Road, Warwick**
(Pages 1 to 3)
7. **W/19/1494 - Former Harvester Restaurant, Stratford Road, Warwick**
(Pages 1 to 4)
8. **Appeals Report**
(Pages 1 to 9)

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting remotely by joining the remote meeting through their personal device on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at [Speaking at Planning Committee](#) any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

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

Telephone: 01926 456114
E-Mail: committee@warwickdc.gov.uk

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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prior to the meeting, by telephoning (01926)
456114

Planning Committee

Minutes of the remote meeting held on Tuesday 11 August 2020 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

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

Also Present: Committee Services Officer – Mr Edwards; Civic & Committee Services Manager– Mrs Tuckwell (observing only); Legal Advisor – Mrs Gutteridge; and Development Services Manager – Mr Fisher.

The Development Services Manager explained to Members that two applications had been withdrawn from the agenda:

- Item 5 – W/19/1200 – Land at South Crest Farm, Crewe Lane, Kenilworth. This had been withdrawn from the agenda by officers for the reasons indicated in the report (i.e. that the related land sale having not been completed and therefore the site not being confirmed to be surplus to education requirements); and
- Item 7 – W/20/0486 – 49 St Michaels Road, Saltisford, Warwick. This had been withdrawn from the agenda because the anticipated consultation response from the Highways Authority had not been received.

30. **Apologies and Substitutes**

- (a) There were no apologies made; and
- (b) There were no substitutes.

31. **Declarations of Interest**

There were no declarations of interest.

32. **Site Visits**

There were no site visits made.

33. **Minutes**

The minutes of the meetings held on 8 July, 14 July and 15 July 2020 were taken as read and signed by the Chairman as a correct record.

34. **W/19/2112 – Land South of Lloyd Close, Hampton Magna**

The Committee considered an application from Bellway Homes South for Reserved Matters pursuant to condition 1 of planning permission ref: W/17/2387, for details of access, appearance, landscaping, layout and scale of 147 dwellings together with associated works, including vehicular/pedestrian access from Daly Avenue, green infrastructure including a play area, open space and other landscaping and sustainable drainage.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee because of the number of objections that had been received, including one from Budbrooke Parish Council.

The officer emphasised that as this was an application for the approval of reserved matters, it was not possible to reconsider the principle of development. This was considered in the assessment of the outline planning application (W/17/2387) and was found to be acceptable. Since the principle of development therefore could not be re-visited, consideration of the current application could only include issues related to the detailed access, appearance, landscaping, layout and scale of the 147 dwellings proposed by Bellway Homes.

Officers considered the proposed development would provide a high quality residential environment in accordance with the garden suburbs principles, including an appropriate mix of market and affordable housing, where the affordable housing was distributed evenly across the site. The dwellings themselves were varied in their architectural styles, and a predominant use of red brick was proposed which was characteristic of the local area. The development would be well landscaped, with the various typologies set out in the open space SPD all being met, with an additional over-provision of open space over and above that which was necessary for the size and type of development. The additional open space was positioned along the southern edge of the site, which provided the green buffer and transition from the built edge to the adjoining countryside.

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

There would be no detriment to highway safety, flood risk / drainage or ecology and biodiversity offsetting. While a number of non-material planning considerations had been raised, which were not relevant to the determination of the application, some of these had been referenced for completeness and clarification purposes above.

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

An addendum circulated at the meeting advised that additional third party representations had been received, which largely reiterated comments already made during the course of the application. These were in respect of parking, number of dwellings proposed, density, impact on village infrastructure and character of the area.

Comments were also raised in relation to lighting, and the absence of a lighting scheme with this application, however this was covered by condition in pursuance of the outline application (W/17/2387) which needed to be discharged prior to the commencement of development.

An additional comment was also received regarding the potential loss of a public footpath. This matter was covered in the report but for the avoidance of doubt, the development did not propose to stop up or divert the public

PLANNING COMMITTEE MINUTES (Continued)

right of way, either of which would require the requisite legal directive to do so.

The addendum also advised that throughout the course of both outline and reserved matters applications, the County Rights of Way Team maintained the need for the public right of way to remain open and unobstructed at all times and an advisory note would be added to any forthcoming permission to that effect to ensure this remained the case. The granting of planning permission would not grant the right to stop up or divert any public right of way.

The following people addressed the Committee:

- Councillor A Thomas, Parish Councillor, objecting;
- Mr Mills, objecting; and
- Statement on behalf of Mr Earley, supporting, read out by the Committee Services Officer.

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

The Committee therefore

Resolved that W/19/2112 be **granted** subject to the addition of a sustainability plan condition, the wording of which is delegated to officers to agree in consultation with the Chairman, the conditions below, together with advisory notes as recommended by relevant statutory consultees (in respect of ecology, highways for example).

Conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings ECO2 'Ecology 02 Plan' submitted on 15 May 2020 and PL_ENG_024 'Pump Station Details' submitted on 12 May 2020 as well as the following approved drawings received by the Local Planning Authority on the following specified dates:

20 April 2020

SO2+_PLAN_01, S03_PLAN_01, S04_PLAN_01, S08_PLAN_01, S12_PLAN_01, JO-2B-2S-P1, JO-2B-2SCB-E, MA-3A-2S-P1, MA-3B-2S-CB-E, SC-4B-2S-P1 Rev.A, SC-4B-2S-CB-E Rev.A, BL-2B-2S-P1, BL-2B-S-CB-E, WO-2B-1S-P1, WO-2B-1S-CB-E, FR-3B-2S-P1, FR-3B-2S-CB-E, SY-3B-2S-P1, SY-B-2S-CB-E, BO-4B-2S-P1, BO-4B-2S-CB-E, GO-4B-2S-P1, GO-4B-2S-CB-E, LO-
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4B-2S-P1 Rev.A, LO-4B-2S-CB-E, WE-4B-2S-P1, WE-4B-2S-CB-E, A/plcGa/00/001 Rev.F, A/plcGa/00/001 Rev.C, A/plcGa/00/002 Rev.B, A/plcGa/00/003, A/plcGa/00/004.

30 June 2020

1496-02 Rev.R, 1496-04 Rev.F, 1496-05 Rev.E, 1496-06 Rev.E, 1496-07 Rev.E, 1496-08 Rev.E.

16 July 2020

16-125-03 Rev.B, 19-125-04 Rev.B, 19-125-05 Rev.C, 19-125-06 Rev.C; and specification contained therein.

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

- (2) the development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

- (3) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.
Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (4) notwithstanding the details submitted with the application, no development shall be carried out above slab level unless and until further details of the soft landscaping, specifically the proposed species and planting mix, shall be submitted to and approved in writing by the Local Planning Authority. 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;
- (5) no development shall be carried out above slab level unless and until details of the proposed boundary treatment to be installed around the perimeter of the pumping station have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with those approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (6) the arboricultural control measures that are described and illustrated in the 'Tree Survey, Item 4 / Page 5

PLANNING COMMITTEE MINUTES (Continued)

Constraints Advice and Retention & Removal Assessment' dated 18 December 2017 and undertaken by Midland Forestry, and the tree protection measures illustrated on the Tree Protection Plan 19-125-02 submitted on 13 December 2019 should be fully implemented in a timely fashion and properly maintained throughout the duration of the development.

The integrity of the arboricultural control measures should be monitored by a competent arboriculturist throughout the development to ensure their compliance with the arboricultural assessment, and the reports submitted to the local planning authority for verification.

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;

- (7) the development hereby permitted shall not be occupied until the access has been laid out and constructed in accordance with drawing no. 1496-02 Rev R Planning Layout. **Reason:** In the interest of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (8) each dwelling of the development hereby permitted shall not be occupied unless and until the car parking for that dwelling has been provided and thereafter those areas shall be kept available for such use at all times. **Reason:** To ensure adequate off-street car parking facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029;
- (9) no dwellings/buildings here permitted shall be occupied until the estate roads including footways serving it, have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority. **Reason:** In the interest of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (10) the construction of the estate roads serving the development including footways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority. **Reason:** In the interest of highway

PLANNING COMMITTEE MINUTES (Continued)

safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (11) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected within the curtilage of any dwellinghouse fronting a highway or footpath. **Reason:** That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the amenity of adjacent properties; and
- (12) an additional condition relating to the addition of a sustainability plan condition, the wording of which was delegated to officers to agree in consultation with the Chairman.

35. Appeals Report

Members received a report from officers outlining the existing enforcement matters and appeals currently taking place.

Resolved that the report be noted.

(The meeting ended at 7.13pm)

CHAIRMAN
8 September 2020

Application No: [W 19 / 1473](#)

Town/Parish Council: Warwick
Case Officer: Rebecca Compton
01926 456544 rebecca.compton@warwickdc.gov.uk

Registration Date: 29/08/19
Expiry Date: 24/10/19

Former Harvester Restaurant, Stratford Road, Warwick, CV34 6TW

Change of use of building from restaurant (use class A3) to mixed-use restaurant (use class A3) and hot food takeaway (use class A5) with alterations to site layout and elevations, reconfiguration of car parking, landscaping and associated works. Installation of drive-thru lane with 2No. COD (Customer Order Display) with associated canopies, playframe and goal post. Erection of new extensions following the partial demolition of existing building. FOR McDonald's Restaurants Ltd

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Change of use of building from restaurant (use class A3) to mixed-use restaurant (use class A3) and hot food takeaway (use class A5) with alterations to site layout and elevations, reconfiguration of car parking, landscaping and associated works. Installation of drive-thru lane with 2No. COD (Customer Order Display) with associated canopies, playframe and goal post. Erection of new extensions following the partial demolition of existing building.

THE SITE AND ITS LOCATION

The application site relates to a disused former restaurant building previously occupied by 'Harvester' which ceased trading at this site in April 2019. The site is situated next to a hotel and both benefit from large car parking areas. The site is adjacent to the M40 junction 15 and is accessed off Stratford Road, the access drive is also shared by Longbridge Manor, a Listed Building.

PLANNING HISTORY

None relevant.

Associated applications currently under consideration

W/19/1492 - Display of 4 no. internally illuminated fascia signs.

W/19/1494 - Display of various site signage including 4 no. freestanding digital signs, 1 no. non-illuminated banner unit, 1 no. digital booth screen, 1 no. illuminated play land sign and 38 no. non-illuminated dot signs.

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
- NE5 - Protection of Natural Resources
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets
- TC2 - Directing Retail Development

Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Object due to the impact on the highway.

Highways England: No objection.

WCC Highways: No objection subject to a white lining scheme to be implemented prior to occupation.

WCC Ecology: No objection subject to conditions requiring a further bat survey and works to commence outside of the nesting bird season.

WCC Landscape: No objection but recommend changes to screens for visual benefits.

WDC Environmental Health: No objection subject to conditions.

Tree officer: No objection subject to the development proceeding in accordance with mitigation measures set out in the tree report.

Cllr Jonathan Holland: Objects.

Cllr James Hawkesford: Objects.

Cllr John Murphy: Objects.

Cllr Martin Neale: Objects.

Cllr Anna Mace-Leska: Objects.

Cllr Victoria Hunt: Objects.

Cllr Liam Bartlett: Objects.

The above Councillors object on the following grounds:

- Impact on traffic and the M40
- Would create an unofficial service station
- Negative impact on neighbours
- Increase in litter
- Signage not appropriate in this location
- Pollution from additional traffic
- Dangerous for other highway users

Public response:

100 letters of objection have been received on the following grounds:

- Impact on the character of the area
- Increase in traffic in an already busy area
- Impact on M40 junction 15
- Litter
- Noise
- Odour
- Pollution
- Pedestrian safety
- The need for a further McDonalds
- Impact on health, obesity

8 letters of support have been received on the following grounds:

- McDonalds offer healthy choices so will not cause obesity
- McDonalds are a reputable company
- Much needed facility

ASSESSMENT

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

- principle of the development: retail policy and the impact on the vitality and viability of town centres;
- highway safety and parking;
- the impact on the character and appearance of the area;
- the impact on the living conditions of nearby dwellings;
- ecological impact;
- waste management;
- health and wellbeing;
- other matters

Principle of the Development: retail policy and the impact on the vitality and viability of town centres

Local Plan Policy TC2 states that within the town centres, new retail development (defined as Use Classes A1, A2, A3, A4 and A5) should be located as a first preference in the retail areas defined on the Policies Map. Where suitable sites are not available in the retail areas, sites on the edge of the retail areas will be considered and, if no suitable sites are available in any of the preferred locations, out-of-centre sites will be considered.

The lawful use of the site is a restaurant A3. The proposal seeks to convert the existing building and would not create any additional retail floor area. Essentially the proposal replaces one form of retail use (A3) with a mix of that and another form of retail use (A5). The proposal does include the provision of a drive thru however this is not a facility that can be readily provided within the town centre. The drive-thru needs to be in a convenient location for existing drivers on the highway network.

Therefore, as the lawful use of the site is A3 and the proposal is for a mixed use A3 restaurant and A5 takeaway with a drive thru, the principle of development is acceptable and would not create additional retail floor space outside of the town centre.

The proposal complies with Local Plan Policy TC2.

Highway safety and parking

In accordance with the adopted Parking Standards SPD the development is required to provide 52 parking spaces and 7 cycle spaces. The development will provide 84 parking spaces which includes 2 accessible spaces and 4 EV spaces. An additional 3 reserved parking spaces for drive-thru customers are also proposed. The proposal will provided 8 cycle spaces. The provision of parking and cycle spaces is in excess of the requirements set out in the adopted Parking Standards SPD.

The application site has a single access point off Stratford Road in the form of a ghost island priority T-junction. The site is located next to the Holiday Inn hotel which also benefits from its own car park. The access to the site also serves Longbridge Manor which is in a commercial use.

The Highways Authority and Highways England had originally objected to the proposed development based on a lack of information in order to assess the application, namely: traffic surveys; development trip generation; development traffic behaviour; impact on the Strategic Road Network (SRN).

One of the significant potential concerns regarding the proposed development was the impact on traffic along Stratford Road and the M40 junction 15. To establish whether the additional vehicle trips and movements into/out of the site access will have a detrimental impact on the operation and capacity of the local highway network and the strategic road network, various assessments have been undertaken. Local and regional traffic data has been input into the Trip End Model Presentation Program (TEMPro) to estimate traffic growth and determine the impact on the highway network. Traffic surveys have also been undertaken of existing McDonalds sites across the country to determine traffic behaviour associated with the use. The data provided suggests that peak times associated with the proposed use would be outside the typical peak times for the adjacent roads and junctions.

There have been ongoing discussions between the transport consultants representing the applicant and the Highways Authority and Highways England to address concerns raised about impacts on the local highway network and the strategic road network. The requested additional information has been submitted and has been assessed by both the Highways Authority and Highways England. The Highways Authority consider the impact on the access junction into the site to be acceptable, subject to a new white lining scheme which will be secured via condition. Highways England have reviewed information put forward regarding traffic growth and trip generation and are satisfied that this would not be detrimental to the M40 junction 15.

The Highways Authority did initially have concerns about access to the site for cyclists and pedestrians. The applicant has confirmed that National Cycle Route 41 runs the length of Stratford Road and diverts south before the application site providing access over the M40 and linking up to the A429. Furthermore, there are existing pedestrian routes and pedestrian crossings along Stratford Road. As a result, the Highways Authority are satisfied that the existing infrastructure is sufficient for the proposed use.

Subject to the provision of a new white lining scheme to the entrance of the site, the proposal is considered to provide appropriate access and parking arrangements and will not be detrimental to the Highway Network. The development is therefore considered to be in accordance with Local Plan policies TR1, TR2 and TR3.

Impact on the character and appearance of the area

There have been objections from members of the public and local Councillors on grounds that the proposal would have a detrimental impact on the character of the area.

The application site as existing consists of a restaurant building and car park, there is an adjacent hotel and car park in the immediate context. The proposal seeks to

convert the existing restaurant building and will involve alterations, extensions and partial demolition of the existing building. The proposed design is considered acceptable and the overall bulk and mass of the existing building will be reduced as a result of the proposed design. Additional features associated with the proposed use include a goal post height restrictor, canopies and ordering screens to the drive thru. These structures will be set well within the site and will be read in the context of a family restaurant. The drive thru is positioned to the side and rear of the building and so views of this will be from within the site with limited views from Stratford Road. The proposal also includes a children's play area to the front of the building which is considered appropriate in the context of a family restaurant.

The building as existing is not a prominent feature in the street scene due to it being set in from the main site access and due to the high level of screening that is positioned between the site and Stratford Road and the high boundary wall positioned either side of the site access. The site also sits at a lower level to the section of Stratford Road and the M40 positioned immediately to the north and west of the site boundary.

Objectors have raised concerns regarding the cumulative impact of the proposed structures and signage. Whilst the individual signage applications will be assessed separately, officers do not consider that the cumulative impact of the signage and structures associated with the use would be harmful to the character of the area. The drive thru has been positioned to the rear of the building so views of this will be limited. Structures and signage associated with the use are set well within the site. Furthermore, due to the position of the site in relation to Stratford Road, any views of the signage and structures will be at a distance and will not be incongruous in the street scene.

The alterations to the existing building are considered of an acceptable design. Furthermore, the associated structures have been positioned sensitively within the site to limit any potential visual impact. Therefore the proposal is not considered to have a harmful impact on the character and appearance of the area. The proposal is therefore considered to be in accordance with Local Plan policy BE1.

Officers also note that the site has been vacant since April 2019 and so the proposal will bring a disused site back into use which will be an enhancement of the site.

It has also been concluded that the proposals would not harm the setting of the Listed Building at Longbridge Manor.

Impact on the living conditions of nearby dwellings

There have been objections from local Councillors and members of the public on grounds that the proposal fails to comply with Local Plan Policy BE3, in that the proposed lighting and noise disturbance will be harmful to neighbouring residential properties. Local residents have concerns regarding the potential impacts from odours and the impact on air quality from additional traffic entering the site and engines idling.

An Air Quality Impact Assessment has been submitted to determine any impacts arising from traffic associated with the proposed use. The assessment concludes that the development will have a negligible impact on NO2 concentrations and would have a negligible impact on nearby residential uses. Environmental Health are satisfied with this assessment and have requested that a Travel Plan be secured via condition in which the applicant will need to demonstrate how they will encourage more sustainable modes of transport. The proposal will also provide 4 rapid charging electric vehicle points to accord with the adopted Air Quality SPD.

Environmental Health Officers have requested details of the kitchen extraction equipment to be submitted for approval which is to be secured via condition. Environmental Health are satisfied that subject to conditions requiring the air quality mitigation measures to be implemented, plant noise to be limited, and suitable kitchen extraction equipment to be installed to mitigate odours, that the development will have an acceptable impact on neighbouring properties.

The closest neighbouring properties would be over 110 metres from the proposed restaurant and over 60m from the car park, the site was last in use as a family restaurant and the proposed use is also as a family restaurant, The drive thru is located behind the existing building and is located over 110m from the nearest residential property.

Therefore, in view of the distance away from the nearest residential property, together with the fact that the site is located next to a busy main road and the fact that the site has previously been in use as a family restaurant, it is not considered that the proposals would give rise to any significant issues in terms of amenity, noise, odour or disturbance for neighbours or in terms of the visual impact of the proposals. The development is considered to be in accordance with Local Plan Policy BE3.

Ecological Impact

WCC Ecology have commented on the proposal and have no concerns from an ecological perspective subject to a condition requiring the development to take place outside of the nesting bird season or for a nesting bird survey to be submitted, which will be secured via condition. The development is in accordance with Local Plan Policy NE2.

Waste Management

There have been a number of objections to the proposed development on grounds of the potential for increased littering.

As the drive-thru restaurant would be a commercial site, the Local Authority has no control over the waste storage and collection arrangements, or litter prevention for the site. The owner of the site will be required to make their own waste collection arrangements.

It should be noted that the applicant has provided information on how the site will control litter with daily litter patrols, typically 3 times per day, within a 100m radius of the site. Refuse bins are provided around the site and signage advising against littering is also displayed within the site.

Health and Wellbeing

Objectors consider that the proposed development would have a detrimental impact on health, encouraging poor eating choices and obesity which is contrary to local and national health objectives. Supporters state that the proposal will not encourage poor eating behaviours as this is the choice of the individual, and that McDonald's has healthy eating options. Objectors also contest the need for another McDonalds restaurant in Warwick.

It is not considered in planning terms that a restaurant / take-away would lead to such a significant impact on health and wellbeing which would warrant reason for refusal of the application. Moreover, there are no policies in the adopted Local Plan which prevent new restaurants or takeaways on this basis nor are there any policies that limit the number of restaurants/takeaways in a particular area.

Other matters

There have been other objections to the proposal on the following grounds:

- increase in rodents,
- there are two McDonald's nearby so the proposed restaurant is not needed,
- proximity to local schools,

Supporters of the proposal state that:

- the proposal is much needed,
- the proposal will provide employment opportunities.

The above matters are either not material planning considerations, or do not carry material weight to alter the conclusions that have been reached above.

CONCLUSION

It is considered that the proposals would not cause unacceptable harm to the living conditions of neighbouring dwellings or to the character and appearance of the area. Furthermore, it is considered that the proposals would be acceptable in terms of ecological impact, highway and pedestrian safety and impact on the town centre. Therefore, the proposed development should be approved subject to the proposed 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) 7792-SA-8052-P106B (GF+FF), E11-003 (PLAYFRAME), HWAR 8366 M1002A (ROOF LAYOUT), Patio area specifications, Goal post and Canopy specifications - sign type 8 and sign type 28, 16459-VL-MCD-LO1A, 16459-VL-MCD-LO2A, 7792-SA-8052-P105C, 7792 SA 8052 P102F, 7792 SA 8052 P104K, and specification contained therein, submitted on 29th August 2019, 12th February 2020 and 06th May 2020. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No development (including any demolition) shall commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON**: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 4 Equipment shall be installed to suppress and disperse smoke, fumes and/or odour produced by cooking and food preparation, and the equipment shall be effectively operated for so long as the use continues. Details of the equipment shall be submitted to, and approved by, the Local Planning Authority and the equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use. Any mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority. **REASON**: To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted shall not be occupied until the white lining scheme has been completed in accordance with the details shown on submitted drawing AMA/50009/SK07 and specification contained therein, submitted on 30th January 2020. **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.
- 6 The landscaping plan shall be completed within three months of the first occupation of the development hereby permitted in full accordance with the details as shown on approved drawings 16459-VL-MCD_L01A, 16459-VL-MCD_L02A and specification contained therein submitted on 12th February 2020. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following

the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 7 Within six months of the first occupation of the development hereby permitted, the applicant shall submit a Travel Plan to promote sustainable transport choices to the site for approval by the local planning authority in writing. The measures (and any variations) approved shall continue to be implemented at all times thereafter. **REASON:** In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.
- 8 Within 6 months of the occupation of the development hereby permitted, four 50kW rapid electric vehicle recharging points 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 points have been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Photographs showing the location of the electric vehicle recharging points; (2). A technical data sheet for the electric vehicle recharging point infrastructure. Thereafter the electric vehicle recharging points shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **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.
- 9 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 10 The development hereby permitted shall either:
1. Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
 2. Not commence until a qualified ecologist has been appointed by the applicant to inspect the building/vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by the ecologist.

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

- 11 The development shall proceed in full accordance with the mitigation measures set out in the Tree Survey, Arboricultural Assessment, Arboricultural Method Statement & Tree Protection Plan produced by Hayden's Arboricultural Consultants submitted on 29th August 2019.

REASON: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

Application No: [W 19 / 1492](#)

Town/Parish Council: Warwick

Case Officer: Rebecca Compton

01926 456544 rebecca.compton@warwickdc.gov.uk

Registration Date: 03/09/19

Expiry Date: 29/10/19

Former Harvester Restaurant, Stratford Road, Warwick, CV34 6TW

Display of 4 no. internally illuminated fascia signs. FOR MCDONALD'S
RESTAURANTS LTD

This application is one of two applications for associated signage related to planning application W/19/1473 which is being presented to planning committee due to objections from the Town Council and members of the public having been received.

RECOMMENDATION

That Advertisement Consent be granted.

DETAILS OF THE DEVELOPMENT

This application seeks consent to display illuminated signage that will be mounted to the building and includes 2 no. internally illuminated company logos, 1 no. internally illuminated company name and 1 no. play area sign.

THE SITE AND ITS LOCATION

The application site relates to a disused former restaurant building previously occupied by 'Harvester' which ceased trading at this site in April 2019. The site is situated next to a hotel and both benefit from large car parking areas. The site is adjacent to the M40 junction 15 and is accessed off Stratford Road, the access drive is shared by Longbridge Manor, a Listed Building.

PLANNING HISTORY

Applications for signage associated with previous uses

W/13/0049 - Remove existing signage and replace with new branded signage (retrospective) - Granted

W/15/1677 - Display of 2 No Internally illuminated post signs 1 No Internally illuminated set of letters & logo 2 No Non illuminated transom signs - Granted

Associated applications currently under consideration

W/19/1494 - Display of various site signage including 4 no. freestanding digital signs, 1 no. non-illuminated banner unit, 1 no. digital booth screen, 1 no. illuminated play land sign and 38 no. non-illuminated dot signs.

W/19/1473 - Change of use of building from restaurant (use class A3) to mixed-use restaurant (use class A3) and hot food takeaway (use class A5) with alterations to site layout and elevations, reconfiguration of car parking, landscaping and associated works. Installation of drive-thru lane with 2No. COD (Customer Order Display) with associated canopies, playframe and goal post. Erection of new extensions following the partial demolition of existing building.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No comment to make.

Councillor John Murphy: Objects on the grounds that the amount of signage is excessive and would be harmful to the street scene.

ASSESSMENT

The main issues relevant to consideration of this application are:

- Impact on Amenity
- Public Safety

Impact on Local Amenity and Design

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. Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Furthermore, development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development.

Concern has been raised over the impact of the signage on the semi-rural location.

The proposed signage includes an internally illuminated company name, two company logos and one internally illuminated play area sign. It is accepted that

there may be views of the signage from the Stratford Road however it is considered that these views would be limited due to the dense vegetation that separates Stratford Road and the application site. The application site also sits at a lower level to Stratford Road on the approach to the M40 Junction 15. The majority of the views into the site will be from the main access road off Stratford Road and the site is set in from the main entrance by approximately 50 metres with the hotel car park situated between the two. There is a high boundary wall located either side of the main entrance which further restricts views into the site. Therefore, as public views of the signage will be from a distance Officers consider it will not create imposing features in the street scene. Officers also note that the adjacent hotel benefits from illuminated signage to the site entrance and elsewhere and so illumination is considered acceptable in this context. The signage is considered to be appropriate for the proposed use, and is considered to be of an appropriate size and scale.

Therefore, whilst Cllr Murphy’s concerns are noted, the development is not considered to be harmful in design terms or to local amenity. The development is therefore considered to be in accordance with Local Plan policies BE1 and BE3.

Public Safety

The signage will be mounted to the building, no public safety issues have been identified and it is considered that the proposed signage would not be harmful to public safety.

CONCLUSION

In the opinion of the Local Planning Authority, the proposals would not detract from the amenity of the area and would not be detrimental to public safety. The proposals are therefore considered to comply with the policies listed.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) Playland Logo, 7792-SA-8052-P109 C, McDonalds/132/2010 and specification contained therein, submitted on 03rd September 2019. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

Application No: [W 19 / 1494](#)

Town/Parish Council: Warwick

Case Officer: Rebecca Compton

01926 456544 rebecca.compton@warwickdc.gov.uk

Registration Date: 03/09/19

Expiry Date: 29/10/19

Former Harvester Restaurant, Stratford Road, Warwick, CV34 6TW

Display of various site signage including 4 no. freestanding digital signs, 1 no. non-illuminated banner unit, 1 no. digital booth screen, 1 no. illuminated play land sign and 38 no. non-illuminated dot signs. FOR MCDONALD'S RESTAURANTS LTD

This application is one of two applications for associated signage related to planning application W/19/1473 which is being presented to planning committee due to objections from the Town Council and members of the public having been received.

RECOMMENDATION

That Advertisement Consent be granted.

DETAILS OF THE DEVELOPMENT

This application seeks consent to display various signage including 4 no. freestanding digital signs, 1 no. non-illuminated banner unit, 1 no. digital booth screen, 1 no. illuminated play land sign and 38 no. non-illuminated dot signs.

THE SITE AND ITS LOCATION

The application site relates to a disused former restaurant building previously occupied by 'Harvester' which ceased trading at this site in April 2019. The site is situated next to a hotel and both benefit from large car parking areas. The site is adjacent to the M40 junction 15 and is accessed off Stratford Road, the access drive is shared by Longbridge Manor, a Listed Building.

PLANNING HISTORY

Applications for signage associated with previous uses

W/13/0049 Remove existing signage and replace with new branded signage (retrospective) - Granted

W/15/1677 - Display of 2 No Internally illuminated post signs 1 No Internally illuminated set of letters & logo 2 No Non illuminated transom signs - Granted

Associated applications currently under consideration

W/19/1492 - Display of 4 no. internally illuminated fascia signs.

W/19/1473 - Change of use of building from restaurant (use class A3) to mixed-use restaurant (use class A3) and hot food takeaway (use class A5) with alterations to site layout and elevations, reconfiguration of car parking, landscaping and associated works. Installation of drive-thru lane with 2No. COD (Customer Order Display) with associated canopies, playframe and goal post. Erection of new extensions following the partial demolition of existing building.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No comment to make.

Councillor Murphy: Objects on the grounds that the amount of signage is excessive, the signage would be visible outside the site and would be harmful to the street scene.

Public response: One letter of objection has been received on the grounds that the proposed use is inappropriate in this area.

ASSESSMENT

Assessment

The main issues relevant to consideration of this application are:

- Impact on Amenity
- Public Safety

Impact on Local Amenity and Design

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. Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Furthermore, development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development.

Concern has been raised over the impact of the signage on the semi-rural location.

The proposed signage would not be positioned along Stratford Road and is set well into the site boundaries. The application site sits at a lower level to Stratford Road on the approach to the M40 Junction 15 and there also exists a large buffer of trees and vegetation between Stratford Road and the application site, which is to be retained as part of the wider development of the site. Therefore, views into the site from this section of Stratford Road that is immediately opposite the site will be limited. The majority of the views into the site will be from the main access road off Stratford Road. The site is set in from the main entrance by approximately 50 metres with the hotel car park situated between the two. There is a high boundary wall located either side of the main entrance which further restricts views into the site. Therefore, as views of the signage within the site will be limited and will be read at a distance, the signage is not considered to be harmful to the street scene. Officers also note that the adjacent hotel benefits from illuminated signage to the site entrance and elsewhere and so illumination is considered acceptable in this context. The signage is considered to be appropriate for the proposed use, and is considered to be of an appropriate size and scale.

It should be noted that there are a number of DOT signs relating to vehicular and pedestrian movements such as "no entry/pedestrian crossing/give way" signs which have deemed consent and so do not technically require advertisement consent. However, the agent has included them in the application for completeness.

Therefore, whilst Cllr Murphy's concerns are noted, the development is not considered to be harmful in design terms or to local amenity. The development is therefore considered to be in accordance with Local Plan policies BE1 and BE3.

Public Safety

The signage is contained to the site and the car park associated with the existing use. No public safety issues have been identified and it is considered that the proposed signage would not be harmful to public safety.

Conclusion

In the opinion of the Local Planning Authority, the proposals would not detract from the amenity of the area and would not be detrimental to public safety. The proposals are therefore considered to comply with the policies listed.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 7792-SA-8052-P108 C, ERDDS Banner Unit, Double Digital Menu Board, Single Digital Menu Board, Proposed Reconnect Screen Details, Pedestrian Crossing, Parking Order Bay sign, Noise Sign, No Entry Sign, Look Both Ways sign, Litter Sign, Give Way

Sign, Look Left Sign, Look Right sign, Look Left Traffic Approaching sign, Look Right Traffic Approaching sign, Accessible Parking Bay sign, 10mph Disc sign, and specification contained therein, submitted on 03rd September 2019. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

**Item 8 - List of Current Planning and Enforcement Appeals
September 2020**

Public Inquiries

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

Informal Hearings

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

Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position
W/18/0986	Ivy Cottage, Barracks Lane, Beausale	One and two Storey Extensions Committee Decision in accordance with Officer Recommendation	Rebecca Compton	Questionnaire: 23/10/18 Statement: 14/11/18	Ongoing
W/19/0091	21 Northumberland Road, Leamington	Erection of Railings and Gates Delegated	Emma Booker	Questionnaire: 17/6/19 Statement: 9/7/19 Comments: -	Ongoing
W/19/1858	Former Tamlea Building, Nelson Lane, Warwick.	Redevelopment for residential Purposes. Committee Decision in accordance with Officer Recommendation	Helena Obremski	Questionnaire: 29/5/20 Statement: 26/6/20	Ongoing

W/19/2006	Unit 1, Moss Street, Leamington	Removal of Condition to allow for the Unrestricted Occupancy of 47 bed HMO. Committee Decision in accordance with Officer Recommendation	Helena Obremski	Questionnaire: 11/6/20 Statement: 9/7/20	Ongoing
W/19/1253/LB	Waverley House, 70 Binswood Avenue, Leamington	Replacement Sash Windows Delegated	Jonathan Gentry	Questionnaire: 12/6/20 Statement: 10/7/20	Appeal Dismissed
<p>The Inspector noted that the existing sash windows within these elevations have sills and chamfered surrounds. These sashes mainly have hoodmoulds with foliate stops. Together with the embattled bay, these features emphasise the windows' presence. He found that the form and fabric of the windows attest to the historic design of the building, and consequently embody both evidential and aesthetic values. As such, the building is a significant historic component of the grid of residential avenues set around the Kenilworth Road axis. The appeal windows add to the recurrence of prominent historic character elements on Binswood Avenue. This contributes to both the building's special interest and the significance of the wider CA.</p> <p>The Inspector considered that the spacing between the panes, with an approximate trebling in depth of the glazed units, compared to that of the traditional panes, would reveal the modern technical fabrication. There would be a discernible contrast between the geometrically 'perfect' new sashes and older box frames. The increased thickness of the glazed units may well also change the reflectiveness of the windows, compared to the original sashes. There is not substantive detail of the type of glass in the proposed windows, to demonstrate otherwise.</p> <p>The loss of original sash windows would erode the historic legibility of the nineteenth century villa and lead to a loss of original fabric. This would visually jar with the traditional architecture and materials of the building. These effects on the prominently located facades of the building, within the historic grid of residential avenues, would also be discordant with the character and appearance of the CA.</p>					
W/19/1769	Oldfield Farm, Old Warwick Road, Rowington.	One and Two Storey Extensions Delegated	Jonathan Gentry	Questionnaire: 12/6/20 Statement: 3/7/20	Appeal Dismissed
<p>The Inspector noted that post-1948 development has joined the outbuilding to the north-east to the original building, and converted it to residential use. This has noticeably increased the total bulk and mass of the building. Together with previous extensions - including the post-1948 conversion of the outbuilding, and extensions joining the latter to the original farmhouse building - the proposal would amount to an approximately 40% increase in gross floorspace over and above that of the original building. Even if the outbuilding were to be excluded from the calculations, judging by the Design and Access Statement calculations before me, the proposal would still result in the 30% guideline maximum for increase in gross floorspace being exceeded.</p>					

The appellants consider that the proposal would satisfy criteria a) to c) of Policy H14 of the LP, and the factors in supporting paragraph 4.94. However, the Inspector considered that the proposed lean-to extension would extend the building to the north-east, at the entrance to the farmhouse yard. The timber-framed and glazed extension would extend the building to the north-west, into the farmhouse yard in front of the historic timber-framed north-eastern gable of the original building. The cumulative increase in floorspace, footprint, bulk and mass of extensions, over and above the original dwelling, which would result from the proposal, would further draw the eye from the historic farmhouse core. Furthermore, the modern design of the glazed wall and roof of the north-eastern extension would distract from the traditional rustic character of the original dwelling. Consequently, the proposed development would significantly undermine the visual dominance of the original dwelling and extend the visual impression of built development. He concluded that the proposal would entail a disproportionate addition within the Green Belt.

While the adverse impact on openness would be localised, nevertheless, the combination of proposed extensions north-east of the original dwelling would be of sufficient scale and visibility to attract attention, and would result in harm to openness of the Green Belt, he concluded.

The Inspector considered that the special interest of the listed building, insofar as it relates to this appeal, is primarily associated with its historic legibility and the distinctive aesthetic of the farmhouse. He noted that the proposed timber-framed extension would project across around half the width of the north-easternmost gable of the listed building, up to the eaves of the latter. The new timber frame and potentially reflective expanse of glass within the extension would distract from a large proportion of this important historic timber-framed gable. The modern character of the glazed wall and roof would further distract from the distinctive traditional timber frame panels and red brick infill of the gable, viewed from the north-west. The accumulation of various new extension profiles and rooflines, together with the proposed extension of the built footprint in a north-easterly direction by the new lean-to, would add bulk. The resultant cumulative mass of later extensions would compete with the north-eastern elevation and historic core of the listed building. He concluded that the proposal would be harmful to the Listed Building.

W/19/1973	Wooton Grange Farm House, Warwick Road, Kenilworth	Extensions and Alterations Delegated	Jonathan Gentry	Questionnaire: 23/4/20 Statement: 15/5/20	Ongoing
W/19/1531	Land off Pitt Hill, Bubbenhall.	Prior notification of Change of Use of agricultural Building to 5 Dwellings. Delegated	Rebecca Compton	Questionnaire: 3/6/20 Statement: 1/7/20	Appeal Allowed

The Inspector considered that the main issue in this appeal was whether planning permission is deemed to have been granted.

The GPDO does not contain a requirement or provision for applications to be validated, but Paragraph W.(2) requires an application to include a) a written description of development, b) a plan indicating the site and showing the proposed development, c) the developer's contact details, d) the developer's email address and e) a flood risk assessment if in a flood risk area. Paragraph X defines the 'site' as being the building and any land within its curtilage.

Paragraph W.(11) explains that development must not begin until either a) the Local Planning Authority provides a written notice that prior approval is

not required, b) the Local Planning Authority provides written notice that prior approval is given, and c) the expiry of 56 days from the receipt of the application without the authority notifying the applicant as to whether the prior approval is given or refused.

The application was received 4 September 2019. Following review, the Council determined that the plans were inconsistent and made the application invalid 17 September. The Council considered that the location plan does not properly identify the site, that the site should be outlined in red with a blue line around other land in the applicant's ownership. It has also expanded this to identify the area to be demolished is not within a redlined site.

However, Inspector considered that whether or not the application contained the necessary information, as set out in paragraph W.(2)(b), the choices open to the Council are clear, to either accept the information or refuse the application under Paragraph W.(3).

The submitted plans consist of a site location plan, layout plans and elevations. The layout and elevation plans show the existing and proposed details. The location plan shows that the barn would be subdivided into five dwellings. This would also include a small front garden area and parking spaces within a second external space to the rear. It also shows that parts of the barn would be demolished. This would be to shorten the structure and to separately create a recessed alcove for the middle three units. The Inspector considered that these plans create a coherent and consistent illustration of how the proposal would be constructed.

The Inspector also noted that Paragraph W.(2)(b) does not require a red or blue-lined plan around the site, it simply says that the plan should indicate the site and show the proposed development. Therefore, in consideration of the submitted plans the extent of the proposed development is clear, without evidence of inconsistency. Hence, the location of any redline is moot. Consequently, the proposal has satisfied the requirements of Paragraph W.(2).

The development can therefore lawfully proceed if constructed or carried out in accordance with the submitted plans, and with the conditions and limitations imposed on the planning permission granted by the GPDO.

There are clear learning points for Officers to be mindful of as a result of this appeal decision in terms of what information is necessary to be submitted and what to do if it is considered that insufficient information has been submitted.

W/19/2113/LB	3 Hatton Green, Hatton	New Roof over Conservatory Delegated	Zoe Herbert	Questionnaire: 12/6/20 Statement: 10/7/20	Appeal Dismissed
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The Inspector considered that the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with the dominance and legibility of its pre-twentieth century architectural core, which is formed by the merged cottages and the wing. He considered that the proposal to replace the glass roof of the conservatory with a brown coloured aluminium tile roof, and skimmed plasterboard ceiling would result in a noticeably chunkier and more solid roof form to the conservatory which would add to the solid modern bulk to the rear of the building, further distracting from the latter's historic core. Furthermore, given its modernity, artificiality and potentially different weathering properties, compared to the building's plain clay roof tiles, the proposed aluminium 'shingle-style' covering would distract from the traditional materiality of the historic core of the building and introduce a highly incongruent, alien fabric.

The appellant argued that the proposal would not harm the listed building because it would not be more widely visible. However, the Inspector noted that listed buildings are safeguarded for their inherent architectural and historic interest, irrespective of whether or not public views of the building are available.

W/19/1442	129 Warwick New Road, Leamington	Application for a Certificate of Lawful Development for a Rear Extension Delegated	Ankit Dhakal	Questionnaire: 6/7/20 Statement: 3/8/20	Ongoing
W/20/0185	9 Eborall Close, Warwick	First and Ground Floor Extensions Delegated	Ankit Dhakal	Questionnaire: 29/7/20 Statement: N/A	Ongoing
W/19/2037	Arden Hill, Lapworth Street, Lapworth	New Dwelling Delegated	Dan Charles	Questionnaire: 26/6/20 Statement: 24/7/20	Ongoing
W/19/0860	6 Phillipes Road, Warwick	Change of use to Garden and Erection of Fencing Committee Decision in accordance with Officer Recommendation	Emma Booker	Questionnaire: 22/7/20 Statement: 13/8/20	Ongoing
W/20/0329	The Threshing Barn, Finwood Road, Rowington	Extensions and Conversions Delegated	Emma Booker	Questionnaire: 23/7/20 Statement: N/A	Ongoing
W/19/1604	17 Pears Close, Kenilworth	First and Ground Floor Extensions Delegated	George Whitehouse	Questionnaire: 19/6/20 Statement: N/A	Ongoing
W/20/0214	Broadford House, Grovehurst Park, Stoneleigh	Boundary Features Delegated	George Whitehouse	Questionnaire: 19/6/20 Statement: N/A	Ongoing

W/19/1558	Land rear of 14 – 16 Randall Road, Kenilworth	Detached Bungalow Delegated	Helena Obremski	Questionnaire: 26/6/20 Statement: 24/7/20	Ongoing
W/19/1572	Land off Birmingham Road and A46, Warwick	2 Dwellings Delegated	Helena Obremski	Questionnaire: 26/6/20 Statement: 24/7/20	Ongoing
W/19/1772	Land at the Valley, Radford Semele	Dormer Bungalow Committee Decision in accordance with Officer Recommendation	Helena Obremski	Questionnaire: 18/6/20 Statement: 16/7/20	Appeal Dismissed

The Inspector noted that a line of houses runs along one side of The Valley but stops a noticeable distance short of the site. While it does not form part of a designated landscape, the area has an attractive rural or semi-rural character due to the narrow width of the road, presence of trees and hedgerows and views of fields. He considered that the general openness of the appeal site contributes positively to the character of the area. While parts of the site would remain undeveloped, the proposal would significantly reduce its openness and would undermine the rurality of the area through the introduction of a residential development. The Inspector considered that due to the separation and intervening vegetation, the proposed dwelling would not be clearly seen with the line of properties along The Valley. As such, rather than an infill development, it would appear as an encroachment into open land that forms part of the wider network of fields around Radford Semele. The proposal would represent the erosion of a pocket of pasture land, identified as one of the key characteristics of the Dunsmore Plateau Fringe local landscape type. Consequently, it would be contrary to the provisions of the Warwickshire Landscape Guidelines (WLG). While the proposed planting could make a limited positive contribution to the character of the area and the traditional style of the dwelling would be in keeping with nearby properties, he concluded that these aspects of the development would not address the loss of openness and would not ensure the proposal harmonises with the rural nature of the locality.

The appeal site is not in an urban area or allocated for housing and it is outside and not adjacent to the defined Radford Semele growth village boundary. As it would also not fall within any of the development categories in part e) of the policy, the proposal would be contrary to LP policy H1 when read as a whole.

As a self-build house, the appellant suggests LP Policy H15 allows the proposal as it does not explicitly require such development to be within the boundaries of growth villages. However, the Inspector noted that Policy H15 requires compliance with all other relevant LP policies which would include policy H1. Part d) of policy H1 allows development that would contribute to an identified need such as for self-build housing but only where the site is adjacent to the boundary of a growth village.

The Inspector noted that The Valley is identified as having an elevated risk of surface water flooding and occupiers and visitors would normally rely on this route for access to and egress from the proposal. However, he was mindful that the Warwickshire County Council Flood Risk Management Officer raises no objections to the development but suggests an evacuation plan be produced. While no such plan has been provided, he considered that

there is no substantive evidence before him that indicates the height of flooding or risk to those using The Valley would entirely prevent movement to and from the proposal in a flood event. As such, an evacuation plan could be secured through an appropriately worded planning condition.

W/20/0301	102 Shrewley Common, Shrewley	Detached Garage Delegated	Jonathan Gentry	Questionnaire: 27/7/20 Statement: N/A	Ongoing
W/19/1981	115 Brunswick Street, Leamington	Change of Use to HMO Delegated	Rebecca Compton	Questionnaire: 4/8/20 Statement: 25/8/20	Ongoing
W/20/0243	Pear Tree Cottage, Stoneleigh Road, Blackdown	Enlargement and Remodelling of Dormer Bungalow Delegated	Thomas Fojut	Questionnaire: 8/7/20 Statement: 30/7/20	Ongoing
W/19/1949	22 St Mary's Terrace, Leamington	Conversion and Extension of Garage into Dwelling Delegated	Rebecca Compton	Questionnaire: 26/6/20 Statement: 24/7/20	Ongoing
New W/19/2138	8 Cassandra Grove, Warwick	Single Storey Front Extension Delegated	Emma Booker	Questionnaire: 25/8/20 Statement: 16/9/20	Ongoing
New W/19/1963 and W/19/1964/LB	Rectory Cottage, Church Lane, Lapworth	Demolition of Garage Block and erection of Sun Room Delegated	George Whitehouse	Questionnaire: 19/8/20 Statement: 16/9/20	Ongoing
New W/20/0097	10 Wasperton Road, Wasperton	Change of Use of Store Room to Dog Grooming Salon Delegated	Rebecca Compton	Questionnaire: 19/8/20 Statement: 16/9/20	Ongoing

New W/19/1197	89 Shrubland Street, Leamington	Change of Use to HMO Appeal against Non-Determination	Rebecca Compton	Questionnaire: 1/9/20 Statement: 29/9/20	Ongoing

Enforcement Appeals

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

Grounds of Appeal

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

ACT 026/17	Fleur De Lys PH, Lapworth Street, Bushwood, Lowsonford,	Construction of pergola	RR	Statement: 13/7/20	Written Representations	Ongoing
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Grounds of Appeal

Listed Building Consent ought to have been granted.
The steps to comply with the notice are excessive

ACT 314/16	18 & 20 Mollington Grove, Hatton Park, Hatton, Warwick	Change of rear doors to UPVC	RR	Statement: 23/7/20	Written Representations	Ongoing
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Grounds of Appeal

The works to the building were urgently necessary
The Notice compliance period is too short.

Tree Appeals

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