

# Planning Committee

Tuesday 27 March 2018

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A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 27 March 2018 at 6.00pm.

Councillor Cooke (Chairman)  
Councillor Day (Vice Chairman)  
Councillor Boad  
Councillor Mrs Bunker  
Councillor D'Arcy  
Councillor Edgington  
Councillor Heath  
Councillor Mrs Hill  
Councillor Morris  
Councillor Mrs Stevens  
Councillor Weed

## Emergency Procedure

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

## Agenda

### Part A – General

#### 1. Apologies and Substitutes

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

#### 2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

4. **Minutes**

- (a) To confirm the minutes of the Planning Committee of 30 January 2018  
(Pages 1 to 36)
- (b) To confirm the minutes of the Planning Committee of 27 February 2018  
(Pages 1 to 24)

**Part B – Planning Applications**

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

- 5. **W/13/1207 – Woodside Farm (S106 Agreement)** (Pages 1 to 2)  
**\*\*This is a major application\*\***
- 6. **W/17/1933 – 485 Tachbrook Road, Whitnash** (Pages 1 to 7)
- 7. **W/17/2331 – 1 Laertes Grove, Warwick** (Pages 1 to 4)
- 8. **W/17/2392 – 52-60 Warwick Street, Royal Leamington Spa** (Pages 1 to 9)
- 9. **W/17/2415 – Land on the North side of Birmingham Road, Hatton** (Pages 1 to 24)  
**\*\*This is a major application\*\***
- 10. **W/17/2425 – Kenilworth Tennis and Squash Club, Crackley Lane, Kenilworth** (Pages 1 to 5)
- 11. **W/18/0029 – 36a Lillington Road, Royal Leamington Spa** (Pages 1 to 9)
- 12. **W/18/0066 – 222 Rugby Road, Royal Leamington Spa** (Pages 1 to 5)
- 13. **W/18/0120 – The Cottage, (Redford) Main Street, Eathorpe** (Pages 1 to 4)
- 14. **W/18/0130 – Hillcroft, Red Lane, Burton Green** (Pages 1 to 12)
- 15. **W/18/0201 – Haseley Manor, Haseley Business Centre, Birmingham Road, Hatton** (Pages 1 to 11)  
**\*\*This is a major application\*\***
- 16. **W/18/0255 – The Coach House, 17A Sherbourne Terrace, Clarendon Street, Royal Leamington Spa** (Pages 1 to 10)
- 17. **W/18/0272 – 5 Inchbrook Road, Kenilworth** (Pages 1 to 8)

**Part C – Other matters**

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

Please note:

- (a) the background papers relating to reports on planning applications are open to

public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.

- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8:00am to 7:00pm, Friday 8:00am to 6:00pm and Saturday 9:00am to 1pm) or email [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk), anytime after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note, that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public - Have registered to address the Committee.
- (e) occasionally items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's web site, and where possible, the applicant and all registered speakers (where applicable) will be notified via telephone.

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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](mailto:committee@warwickdc.gov.uk)

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

You can e-mail the members of the Planning Committee at

[planningcommittee@warwickdc.gov.uk](mailto:planningcommittee@warwickdc.gov.uk)

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

# Planning Committee

Minutes of the meeting held on Tuesday 30 January 2018 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Cooke (Chairman); Councillors Boad, Mrs Bunker, D’Arcy, Day, Edgington, Heath, Mrs Hill, Morris, Mrs Stevens and Weed.

**Also Present:** Committee Services Officer – Mrs Dury; Legal Advisor – Mrs Amphlett; Head of Development Services – Mrs Darke; and Senior Planning Officer – Ms Hammond; Policy & Projects Manager – Mr Barber (observing only).

## 143. **Apologies and Substitutes**

There were no apologies or substitutions made.

## 144. **Declarations of Interest**

Minute Number 150– W/17/2086 – Land on the corner of Red Lane/Hob Lane, Burton Green

Councillor Mrs Bunker declared an interest because she knew one of the speakers. She realised this after the person had spoken and declared the interest when applications W/17/2084 and W/17/2127/LB were being considered.

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

Minute Number 155 – W/17/2265 to W/17/2268 – Tesco, Emscote Road, Warwick

Councillor D’Arcy declared an interest because the application site was in her Ward and she lived in the vicinity.

Councillor Edgington declared an interest because the application site was in his Ward.

Minute Number 156– W/17/2288 – 26-28 High Street, Warwick

Councillor Morris declared an interest because the application site was in his Ward.

## 145. **Site Visits**

There were no site visits made.

## 146. **Minutes**

The minutes of the meeting held on 9 January 2018 were taken as read and signed by the Chairman as a correct record.

## PLANNING COMMITTEE MINUTES (Continued)

### 147. **W/17/2253 – 34 St Fremund Way, Whitnash**

The Committee considered an application from Mr Sandha for a change of use from dwelling house (use Class C3) to a five bed house in multiple occupation (HMO) (use Class C4).

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

The officer was of the opinion that the proposed change of use to an HMO within this area adhered to the criteria set out within Local Plan Policy H6. There would be no material harm to nearby uses or residents as a result of the proposal and the parking arrangements were considered to be acceptable. Adequate waste storage was already provided and therefore the application should be granted.

An addendum circulated at the meeting advised that Warwickshire County Council Highways had not objected to the proposals.

The following people addressed the Committee:

- Councillor Knight, representing Royal Leamington Spa Town Council, which objected to the application;
- Mr MacKay, representing the objections of a number of residents in the area;
- Mr Thomas, objecting to the application; and
- Councillor Barrott, Ward Member, speaking in objection to the application.

The main concern of the people who addressed the Committee was insufficient parking, but Planning Committee Members noted that Warwickshire County Council Highways Department had not objected to the proposals.

The Head of Development Services suggested that Members might be minded to agree a condition that ensured the garage was used for parking. This, together with the parking space outside the property would ensure a minimum of two parking spaces; possibly three.

A motion proposed by Councillor Weed, and seconded by Councillor D'Arcy, to refuse the application was defeated.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Mrs Stevens that the application should be granted with an additional condition ensuring the garage was retained for parking

The Committee therefore

**Resolved** that W/17/2253 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

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

- (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); and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 'site plan' and 'floor plan' and the specification contained therein, submitted on 4<sup>th</sup> December 2017 and the 15<sup>th</sup> January 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE3 of the Warwick District Local Plan 2011-2029; and
- (3) the garage is retained for parking.

### **148. W/17/1724 – Land at Meadow House / Kingswood Farm, Lapworth**

The Committee considered an application from A C Lloyd Homes, Mr and Mrs M Guest and Mr and Mrs G Bull for a development of 38 residential dwellings, together with associated access, parking, open space and landscaping.

The application was presented to Committee because of the number of objections received, including one Lapworth Parish Council.

The officer was of the opinion that the development of this allocated site (H29/H30) for the construction of 38 dwellings, together with the associated works, mainly including the significant provision of on-site open space together with landscaping improvements, was considered to be acceptable in principle in accordance with Local Plan Policies DS11 and H10.

The proposals would be acceptable in terms of their impacts on the living conditions of neighbouring dwellings whilst also providing a high quality living environment for future occupants. The proposals would also be visually acceptable without impacting on the character and appearance of the area, the setting of a nearby heritage asset and the setting of the adjacent Grand Union canal and towpath. Additionally, the proposals were considered to be acceptable in terms of car parking and highway safety.

The proposals were considered, on balance, to have acceptable ecological and archaeological impacts and there were a number of necessary and relevant conditions recommended in the event permission was forthcoming which would ensure that any possible impacts of the development were adequately mitigated. Overall, there would be no additional harm arising from the increased number of dwellings proposed over the allocation and officers considered the development accorded with all relevant provisions of the Development Plan and for these reasons, it was recommended that planning permission should be granted..

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

An addendum circulated at the meeting advised that further comments had been received from:

- Warwickshire County Council Highways with comments specifically in relation to the increased number of dwellings proposed over and above the allocation (+8 units). There was no objection to the increased number; and
- Warwick District Council Cultural Services which requested financial contributions for indoor sports facilities (£31,831) and outdoor sports facilities (£2,724).

The addendum also advised further clarifications on the officer's report:

- Condition 2 – updated drawing numbers to 3083-01 Rev.A and 3083-117 Rev.B both received on 15 September 2017;
- Condition 6 – wording corrected to reflect the recommendations of the Lead Local Flood Authority (LLFA); surface water drainage to be submitted and approved in writing by the Local Planning Authority prior to the commencement of development on site;
- in relation to the affordable housing proposed, the total number of affordable units was 15 which equated to 40% of the total 38 units proposed; and
- the Section 106 agreement would contain a clause to ensure that, should elements of its requirements subsequently be funded by the Community Infrastructure Levy (CIL), the developer would not be required to pay that contribution twice through both the S106 Agreement and CIL.

Members were advised that, subsequent to publishing the addendum, a late submission had been received from the Council's Open Space Team, which had requested a financial contribution towards the improvement of the existing play area in the village.

The following people addressed the Committee:

- Councillor Henderson, representing Rowington Parish Council, which opposed the proposals for 38 units and felt this number should be reduced to a maximum of 20;
- Mr O'Donnell, in opposition to the proposals;
- Mr Green, who represented the applicant; and
- Councillor Gallagher, Ward Member, who supported the proposals.

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

The Committee therefore

## PLANNING COMMITTEE MINUTES (Continued)

**Resolved** that W/17/1724 be **granted** in accordance with the recommendations in the report, subject to the conditions laid out below and a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to affordable housing, sustainable travel packs, health care, improvements to public rights of way, indoor sports facilities, outdoor sports facilities and for the improvement of the existing play area in the village.

Should a satisfactory Section 106 Agreement not have been completed by 27 February 2018, authority is delegated to the Head of Development Services to refuse planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
  - (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 01, 3083-01 Rev.A, 3083-110 Rev.B, 3083-111 Rev.B, 3083-112 Rev.B, 3083-113 Rev.B, 3083-114 Rev.B, 3083-115 Rev.C, 3083-117 Rev.B, 3083-119 Rev.B, 3083-120 Rev.C, 3083-123 Rev.D, 3083-126 Rev.E, 3083-128 Rev.E, 3083-130 Rev. D, 3083-135, 3083-136 and 3083-137 and specification contained therein, submitted on 15 September 2017, revised drawings 3083-116 Rev.E, 3083-118 Rev.D, 3083-121 Rev.D, 3083-122 Rev.F, 3083-124 Rev.D, 3083-125 Rev.F, 3083-127 Rev.F, 3083-129 Rev.F, 3083-132 Rev.A, 3083-133 Rev.A and 3083-138 Rev.A and specification contained therein, submitted on 5 December 2017, revised drawings 3083-05 Rev.E, 3083-06 Rev.R and 3083-08 Rev.C and specification contained therein, submitted on 10 January 2018 and revised drawing 02 Rev.O and specification contained therein, submitted on 16 January 2018. **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) other than site clearance and preparation works no works shall commence on the construction of the development hereby
- Item 4a / Page 5



## PLANNING COMMITTEE MINUTES (Continued)

permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (4) no part of the development hereby permitted shall commence until details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatment (including full details of any 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. Notwithstanding the details illustrated on the revised landscaping masterplan drg. no. 02 Rev.O, submitted on 11 January 2018, details of soft landscaping works shall include further details of boundary treatments including the enhancement and protection of the canal side hedges, particularly along the eastern and southern boundaries of the site. 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 and additionally in
- Item 4a / Page 6

## PLANNING COMMITTEE MINUTES (Continued)

the interests of minimising the visual impact of the development on the canals and protecting and enhancing the character, appearance and biodiversity interest of the waterway corridor in accordance with Policies BE1, BE3, NE4 and NE7 of the Warwick District Local Plan 2011-2029;

- (5) no part of the development hereby permitted shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The Construction Management Plan shall include a Construction Phasing Plan; details to prevent mud and debris passing onto the public highway; and HGV Routing Plan. The development shall thereafter be carried out strictly in accordance with these approved details. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (6) No development and subsequent use of the development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
  - Where flooding occurs onsite to store the 1 in 100 year climate change event details should be provided of the storage capacity required outside of the proposed formal drainage system. Details of the depths and locations of flooding should also be provided to the LLFA where the depths may be unsafe Hazard mapping may be required to ensure the development remains safe to users of the site.
  - Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system,
- Item 4a / Page 7

## PLANNING COMMITTEE MINUTES (Continued)

and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.
- Provide and implement a maintenance plan to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029;

- (7) the development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;
- (8) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and

## PLANNING COMMITTEE MINUTES (Continued)

sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands, tree/hedgerow planting and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029;

- (9) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees, and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2005, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;
- (10) the development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the District Planning Authority expects lighting to be restricted on the boundaries of the site, the proposed tussocky grassland in the south of the site, at the location of proposed bat boxes/tubes and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and to other nocturnal wildlife. This could be achieved in the following

## PLANNING COMMITTEE MINUTES (Continued)

ways:

- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- The brightness of lights should be as low as legally possible
- Lighting should be timed to provide some dark periods
- Connections to areas important for foraging should contain unlit stretches

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

- (11) the development hereby permitted shall not commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented in strict accordance with the approved details. **Reason:** In the interests of fire safety;
- (12) no part of the development hereby permitted shall take place until a Method Statement for surveying the existing condition of the ditch along the southern boundary of the site and setting out measures for how this watercourse will be kept clear before, during and after the construction works, together with a timetable for undertaking all such works, has first been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall be implemented as approved and development shall thereafter only be carried out in accordance with the agreed Method Statement. **Reason:** In the interests of minimising the risk of creating land instability arising from the blockage of this ditch and the resultant potential for the instability of the canal embankment adjacent to the southern boundary of the application site, in accordance with Policy NE7 of the Warwick District Local Plan 2011-2029 and paragraphs 120-121 of the National Planning Policy Framework;
- (13) no part of the development hereby permitted shall take place until a Method Statement detailing all proposals for the alteration of ground levels within Plots 19 to 36 (inclusive)

## PLANNING COMMITTEE MINUTES (Continued)

and the location on site for the storage of excavations, top soil and materials during construction works, has first been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the agreed Method Statement. **Reason:** In the interests of minimising the risk of creating land instability arising from any adverse impacts from earthmoving, excavations or other construction works upon the stability of the canal embankments adjacent to the southern and eastern boundaries of the application site, in accordance with Policy NE7 of the Warwick District Local Plan 2011-2029 and paragraphs 120-121 of the National Planning Policy Framework;

(14) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;

(15) the development hereby permitted shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) *Land off Old Warwick Road, Lapworth\_ACLloyd\_Ref.040032/1 Rev A\_October 2017* and in particular the following mitigation measures detailed within the FRA:

- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 6.4 l/s for the site.
- Provide provision of surface water attenuation storage as stated within the FRA of 440m<sup>3</sup> and/ or in accordance with '*Science Report SC030219 Rainfall Management for Developments*'.
- Surface water is to be provided via a minimum of two trains of treatment using the proposed above ground drainage features within the drainage design.

## PLANNING COMMITTEE MINUTES (Continued)

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme. **Reason:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;

- (16) prior to the first occupation of the development hereby permitted, the access arrangements shall be implemented, constructed and laid out in accordance with drawing no. 18183-03 Rev. B contained within the Transport Statement prepared by David Tucker Associates. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and
- (17) notwithstanding the provisions of Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification), no development falling within Schedule 2, Part 1, Classes A, E or F; or Schedule 2, Part 2, Class A shall be carried out within Plots 19-36 (inclusive) as identified on the approved plans unless express planning permission for such development has first been granted by the Local Planning Authority. **Reason:** To enable the Local Planning Authority to assess the impact of such proposals on the stability of the canal embankment along the eastern and southern boundaries of the application site in the interests of minimising the risk of creating land instability arising from any adverse impacts from foundation construction, earthmoving, excavations or other construction works, in accordance with Policy NE7 of the Warwick District Local Plan 2011-2029 and paragraphs 120-121 of the National Planning Policy Framework.

## PLANNING COMMITTEE MINUTES (Continued)

### 149. **W/17/2025 – Merlin House, Firs Lane, Haseley, Warwick**

The Committee considered an application from Mr and Mrs Runacres for the erection of an oak framed timber garage and log store.

The application was presented to Committee because officers had recommended this application for refusal but Beusale, Haseley, Honiley & Wroxall Parish Council supported the application.

The officer was of the opinion that the proposed outbuilding and store was inappropriate development within the Green Belt, which was harmful by definition to its openness. No very special circumstances had been presented which outweighed this harm. Therefore the application was recommended for refusal.

An addendum circulated at the meeting advised that further supporting information had been received from the applicant which was forwarded by email to all Planning Committee Members on 30 January 2018 upon their request.

The following people addressed the Committee:

- Councillor Gee, representing Beusale, Haseley, Honiley & Wroxall Parish Council, which supported the proposals;
- Mr Runacres, the applicant; and
- Councillor Gallagher, Ward Member, who supported the application.

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

The Committee therefore

**Resolved** that W/17/2025 be **refused** in accordance with the recommendations in the report, for the following reason:

- (1) the site is situated within the Green Belt and the NPPF states that, within the Green Belt, the rural character of the area will be retained and protected. It also contains a general presumption against inappropriate development in Green Belt areas and lists specific forms of development which can be permitted in appropriate circumstances. The proposed development does not fall within any of the categories listed in the Guidance and, in the Planning Authority's view, very special circumstances sufficient to justify departing from this Guidance have not been demonstrated. The proposals are therefore contrary to the NPPF and Policy DS18 of the Warwick District Local Plan 2011-2029.



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

### **150. W/17/2086 – Land on corner of Red Lane / Hob Lane, Burton Green**

The Committee considered an application from CALA Homes (Midlands) Limited for the erection of 90 dwellings and the provision of vehicular and pedestrian access plus all other associated infrastructure and enabling works including village green, playing field and drop off/pick up point for the adjoining primary school.

The application was presented to Committee because of the number of objections received including one from Burton Green Parish Council.

The officer was of the opinion that the development of this allocated site (H24) for the construction of 90 dwellings together with the necessary infrastructure and associated works, including the provision of open spaces, playing field/village green and a school pick up and drop off area, was considered to be acceptable in principle in accordance with Local Plan Policy DS11.

The proposals would ensure appropriate levels of amenity for neighbouring dwellings whilst also providing positive and suitable living conditions for future occupants. The proposals would have a positive impact on the character and appearance of the area and would not materially harm the setting of a nearby heritage asset. Additionally, the proposals were considered to be acceptable in terms of car parking and highway safety. Furthermore, the proposals were considered to be acceptable in ecological and archaeological terms and there were a number of necessary and relevant conditions recommended in the event permission was forthcoming which would ensure that any possible impacts of the development were adequately mitigated.

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

An addendum circulated at the meeting advised that additional consultation responses had been received from:

- Warwickshire County Council's Infrastructure Team, which requested financial contributions for Education (£693,654) and Libraries (£1,754);
- Warwick District Council Cultural Services, which requested financial contributions for indoor sports facilities (£74,035) and outdoor sports facilities (£6,336); and
- Severn Trent Water which did not object to the application subject to a drainage condition.

The addendum also advised that five letters of objection had been received from three individuals raising concerns about the excessive number of dwellings, the overdevelopment of the site and that there should be fewer and larger dwellings with increased open space.

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

There were also three letters detailed of general comment raising the following points:

- the parking for the school was welcomed although there was concern at the possibility of it being used as additional residents' parking;
- the inclusion of a playing field was welcomed although it appeared quite small; this area should also be secured when children were present; and
- there was some concern about trees and lines of sight around the playing field.

One letter of support had been received raising the following points:

- CALA build houses that complement existing developments;
- With Government drives to support infrastructure, Burton Green should see improvements to the surrounding road networks; and
- there was a need for new homes to be delivered.

The addendum also advised certain clarifications to the officer's report:

- in relation to the affordable housing proposed, the total number of affordable units was 36 which equated to 40% of the total 90 units proposed; and
- the Section 106 Agreement would contain a clause to ensure that should elements of its requirements subsequently be funded by CIL, the developer would not be required to pay that contribution twice through both the S106 agreement and CIL.

Members were advised that subsequent to publishing the addendum, officers proposed that a condition be set to require the applicant to provide details of school pick up and drop off zones.

The following people addressed the Committee:

- Councillor Green, representing Burton Green Parish Council, which objected to the proposals;
- Mr Stanworth, a local resident who opposed the proposals; and
- Mr Deakin, who represented the applicant.

Members agreed that a condition could be set for agreeing a scheme for landscaping along the southern side of the development. They also felt it would be appropriate to authorise officers, in liaison with the Chairman, to discuss and agree with the applicant the positioning of the affordable housing to ensure it was distributed more evenly across the site. Mr Deakin confirmed to the Chairman that the applicant would be content to discuss the positioning of the affordable housing with officers.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was

## PLANNING COMMITTEE MINUTES (Continued)

proposed by Councillor Day and seconded by Councillor Boad that the application should be granted.

The Committee therefore

**Resolved** that W/17/2086 be **granted** in accordance with the recommendations in the report, subject to the conditions laid out below and a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to highways infrastructure, open space, improvements to public rights of way, affordable housing, Education, indoor sports facilities and outdoor sports facilities.

Should a satisfactory Section 106 Agreement not have been completed by 21 March 2018, authority is delegated to the Head of Development Services to refuse planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

Authority is delegated to officers in liaison with the Chairman of Planning Committee to discuss and agree with the applicant the positioning of the affordable housing to ensure it is distributed more evenly across the site.

- (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 1711-PL1-03 Rev.C, 1711-PL1-04 Rev.D, 1711-PL1-05 Rev.C, 1711-PL1-06 Rev.C, 1711-PL1-07 Rev.C, 1711-PL1-08, P0018 Rev.B, J32-2718-PS-101, J32-2718-PS-102, J32-2718-PS-103, J32-2718-PS-104, J32-2718-PS-106, J32-2718-PS-107, J32-2718-PS-108, J32-2718-PS-109, P0003 (Co) Rev.A, P0004 (Co) Rev.A, P0005 (Co) Rev.A, P0007 (Co) Rev.A, P0010 (Co) Rev.A, P0011 (Co) Rev.A, P0012 (Co) Rev.A, P0014 (Co) Rev.A, P0015 (Co) Rev.B, P0016 (Co) Rev.A, P0017 (Co) Rev.A, P0020 Rev 00, P0021 Rev 00 and P0022 Rev 00 and specification contained therein, submitted on 6 November 2017, revised drawing 1711-PL-02 Rev.E submitted on 6 December 2017, revised drawing 22438\_02\_SK\_01 submitted on 12 December 2017, revised drawing P0019 Rev.D submitted
- Item 4a / Page 16

## PLANNING COMMITTEE MINUTES (Continued)

on 15 December 2017 and revised drawings P0002 Rev.J and P0001 submitted on 20 December 2017. **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) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (4) no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA, *Land off Hob Lane, Burton Green, Kenilworth\_M-EC\_October 2017\_22438/05-17/4905 RevB* and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
  - Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 6.9 l/s for the site.
  - Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'.
  - Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system,
- Item 4a / Page 17

## PLANNING COMMITTEE MINUTES (Continued)

and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.
- Provide evidence to show an agreement from Highways to connect to the existing surface water network.
- Provide a maintenance plan to the LPA giving details on how the entire surface water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029;

- (5) no development hereby permitted shall take place until a condition survey of the culvert at the proposed outfall has been submitted to and approved by the Local Planning Authority.

**Reason:** To prevent the increased risk of flooding and ensure the downstream drainage system is able to accept flows from the development site in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029;

- (6) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for:

- Any temporary measures required to manage traffic during construction
- Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during

## PLANNING COMMITTEE MINUTES (Continued)

construction

- Dust management and suppression measures – level of mitigation determined using IAQM guidance
- Wheel washing
- Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2
- Concrete crusher if required or alternative procedure
- Delivery times and site working hours
- Site lighting
- Access and protection arrangements around the site for pedestrians, cyclists and other road users
- Restrictions on burning and details of all temporary contractors buildings
- Plant and storage of materials associated with the development process
- External safety and information signing notices
- Complaints procedures, including complaints response procedures and dedicated points of contact
- Best practicable means shall be employed at all times to control noise and dust on the site including:
  - Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
  - Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon – Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

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

- (7) the development hereby permitted shall not commence until a scheme of mitigation including detailed arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance
- Item 4a / Page 19

## PLANNING COMMITTEE MINUTES (Continued)

with the approved details and shall be retained thereafter. **Reason:** To ensure that occupants of the development are not adversely affected by traffic and commercial noise, in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

- (8) no part of the development hereby permitted shall commence until:
- 1.(a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
    - A risk assessment to be undertaken relating to human health
    - A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
    - An appropriate gas risk assessment to be undertaken
    - Refinement of the conceptual model
    - The development of a method statement detailing the remediation requirements
  - (b) The site investigation has been undertaken in accordance with details approved by the planning authority and a risk assessment has been undertaken.
  - (c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the planning authority prior to the remediation being carried out on the site.
2. All development of the site shall accord with the approved method statement.
3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the planning authority for an addendum to the method statement). This addendum to the

## PLANNING COMMITTEE MINUTES (Continued)

method statement must detail how this unsuspected contamination shall be dealt with.

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

**Reason:** To ensure the protection of controlled waters and to prevent pollution in accordance with Policy NE5 in the Warwick District Local Plan 2011-2029;

- (9) the development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;
- (10) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands, tree/hedgerow planting and provision of habitat for protected species. Such approved



## PLANNING COMMITTEE MINUTES (Continued)

measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029;

- (11) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees, and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2005, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

**Reason:** To protect trees and other features on site during construction in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

- (12) the development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the District Planning Authority expects lighting to be restricted on the boundaries of the site, the proposed tussocky grassland in the south of the site, at the location of proposed bat boxes/tubes and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and to other nocturnal wildlife. This could be achieved in the following ways:
- Lighting should be directed away from vegetated areas
  - Lighting should be shielded to avoid spillage onto vegetated areas
  - The brightness of lights should be as low as legally possible

## PLANNING COMMITTEE MINUTES (Continued)

- Lighting should be timed to provide some dark periods
- Connections to areas important for foraging should contain unlit stretches

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

- (13) no development shall take place until:
- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
  - b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority.
  - c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

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The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

- (14) the development hereby permitted shall not commence until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented in strict accordance with the approved details. **Reason:**
- Item 4a / Page 23

## PLANNING COMMITTEE MINUTES (Continued)

In the interests of fire safety;

- (15) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;
- (16) the development shall not be occupied until the public highways at Hob Lane and Red Lane have been improved so as to provide for Pedestrian connectivity to the surrounding footpath network in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (17) access for vehicles to the site from the public highway at Hob Lane and Red Lane shall not be made other than at the position identified on the submitted drawing number 16747 P0002 rev J. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (18) the accesses to the site for vehicles shall not be used unless bellmouths have been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (19) the layout of the estate roads serving the development, including footways, verges and private drives shall not be designed other than in accordance with the principles and guidance as set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001'. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

## PLANNING COMMITTEE MINUTES (Continued)

- (20) the construction of the estate roads serving the development, including footways and verges, shall not be other than in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (21) an agreed scheme for landscaping along the southern side of the development; and
- (22) details of school pick up and drop off zones must be provided and agreed.

The Chairman adjourned the meeting at 8.15pm for 15 minutes.

### 151. **W/17/2084 – Kites Nest Farm, Beausale**

The Committee considered an application from Medwell Hyde Property Solutions for a proposed conversion of barns and outbuildings to provide three dwellings.

The application was presented to Committee because an objection had been received from Beausale, Haseley, Honiley & Wroxall Parish Council.

The officer was of the opinion that the principle of converting these barns to provide three dwellings was acceptable in accordance with Policies H1 and BE4 of the Warwick District Local Plan 2011-2029. It was considered the visual impacts of the development would be acceptable and, following the submission of revised plans dealing with some fenestration and other design changes, the resulting impact was acceptable and accorded with the Council's guidance on converting rural buildings and barns. The impact on neighbouring amenity was acceptable and there would be adequate levels of amenity for future occupants of the barns. There would be no detriment to highway safety as a result of the scheme and sufficient parking was provided for the number of dwellings proposed. The impacts in respect of ecology and archaeology were acceptable subject to conditions and for all these reasons it was recommended that planning permission should be approved.

Councillor Gee, representing Beausale, Haseley, Honiley & Wroxall Parish Council which objected to the proposals, addressed the Committee.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Edgington and seconded by Councillor Boad that the application should be granted.

The Committee therefore

**Resolved** that W/17/2084 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

## PLANNING COMMITTEE MINUTES (Continued)

- (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 submitted on 7 November 2017 and approved drawings 5066/11 D, 5066/12 A, 5066/18 B and 5066/19 A and specification contained therein, submitted on 15 January 2018. **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) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure a high standard of design and appearance for these curtilage listed buildings, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029;
- (5) no part of the development hereby permitted shall commence until details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatments, including full details of any proposed boundary walls,

## PLANNING COMMITTEE MINUTES (Continued)

railings and gates to be erected to sub-divide plots as well as any proposed around the perimeter boundary of the site, 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;

- (6) the development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include timing of works, replacement roost details, monitoring and further survey if deemed necessary) has been completed in consultation with a suitably qualified bat worker and submitted to and approved in writing by the District Planning Authority. Such approved mitigation measures shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;
- (7) the development hereby permitted shall either:
- a.) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds; or
  - b.) Not commence until a qualified ecologist

## PLANNING COMMITTEE MINUTES (Continued)

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 ecologist. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;

- (8) no part of the development hereby permitted shall be commenced until a scheme for the provision of nesting platforms/boxes for barn owls to be incorporated into the scheme (or in a nearby tree), has been submitted to and approved in writing by the District Planning Authority. Thereafter, the platforms/boxes shall be installed and maintained in perpetuity. **Reason:** To ensure protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;
- (9) no part of the development hereby permitted shall be commenced until a scheme for the provision of suitable nesting boxes for swallows to be erected on the building within the site has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the box(es) shall be installed and maintained in perpetuity. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;
- (10) the development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the District Planning Authority expects lighting to be restricted on the new bat loft and to be kept to a minimum at night

## PLANNING COMMITTEE MINUTES (Continued)

across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods;
- Connections to areas important for foraging should contain unlit stretches.

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

- (11) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented in strict accordance with the approved details.

**Reason:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy HS4 of the Warwick District Plan 2011-2029;

- (12) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in
- Item 4a / Page 29



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

accordance with Policy NE5 of the Warwick District Local Plan;

- (13) the access to the site shall not be used until it has been widened so as to provide an access of not less than 5 metres in width for a minimum distance of 7.5 metres, as measured from 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; and

- (14) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

### **152. W/17/2127/LB – Kites Nest Farm, Beausale**

The Committee considered an application for listed building consent from Medwell Hyde Property Solutions for the proposed conversion of barns and outbuildings to provide three dwellings.

The application was presented to Committee because an objection had been received from Beausale, Haseley, Honiley & Wroxall Parish Council.

The officer was of the opinion that the principle of the proposed works, to convert the barns into three dwellings was considered acceptable in heritage terms, subject to there being no material harm to the special architectural or historic interest, integrity or setting of the listed building. Through the submission of revised plans dealing with the fenestration and detailing of each barn, the proposals overall were considered to be acceptable. Accordingly, it was recommended that listed building consent should be approved.

Councillor Gee, representing Beausale, Haseley, Honiley & Wroxall Parish Council which objected to the proposals, addressed the Committee.

Members felt that the proposals preserved buildings in the Green Belt which would not have another use, so meeting the very special circumstances criteria.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Heath and seconded by Councillor Mrs Bunker that the listed building consent should be approved.

The Committee therefore

## PLANNING COMMITTEE MINUTES (Continued)

**Resolved** that W/17/2127/LB be **approved** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the works hereby permitted shall begin not later than three years from the date of this consent. **Reason:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended);
- (2) the works hereby approved shall be carried out strictly in accordance with the details shown on the site location plan submitted on 7 November 2017 and approved drawings 5066/11 D, 5066/12 A, 5066/18 B and 5066/19 A and specification contained therein, submitted on 15 January 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of works for these curtilage listed buildings in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029;
- (3) other than site clearance and preparation works no works shall commence on the construction of the works hereby approved until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details. **Reason:** To ensure a satisfactory standard of works and external appearance for these curtilage listed buildings in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029; and
- (4) no works shall be carried out on the site which is the subject of this consent 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 a high standard of design and appearance for these curtilage listed buildings, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

## PLANNING COMMITTEE MINUTES (Continued)

### 153. **W/14/0967 – Land North of Gallows Hill, Warwick**

The Committee agreed that this application relating to proposed revisions to a Section 106 Agreement should be withdrawn from the agenda because work was still ongoing and therefore the officer's report had not been completed.

**Resolved** that planning application W/14/0967 – Land North of Gallows Hill, Warwick be withdrawn from the agenda because work is still ongoing and the officer's report has not been completed.

### 154. **W/15/0646 – Opus 40, Birmingham Road, Warwick**

The Committee considered an application from Taylor Wimpey Midlands for the variation of a Section 106 Agreement in relation to the provision of additional land to Warwickshire County Council for the A46 Stanks Island improvements.

Planning permission for the erection of 85 dwellings, access roads and associated development was granted on 27 July 2015 and was subject to a Section 106 Agreement which imposed a range of obligations on the developer.

The officer was of the opinion that the Deed of Variation was necessary to allow the A46 Stanks Island scheme to progress. The changes only related to the parts of the agreement that related to the Stanks Island scheme. The other parts of the agreement, including all of the financial contributions, would remain unchanged. Therefore, it had been concluded that the proposed changes would not prejudice any of the issues that had been considered in drawing up the original agreement, and nor would they impact on any of the other material considerations that had been considered in the assessment of the application. Therefore, it was recommended that the proposed variation should be agreed.

Following consideration of the report and presentation, it was proposed by Councillor Edgington and seconded by Councillor Mrs Bunker that the variation of the Section 106 Agreement should be authorised.

The Committee therefore

**Resolved** that the variation as necessary of the Section 106 agreement for application W/15/0646 be **authorised** in accordance with the recommendations in the report, in order to:

- (1) alter the land to be transferred to Warwickshire County Council and adopted as highway; and
- (2) set out how Warwickshire County Council will carry out works within the land of the developers.

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

### **155. W/17/2265; W/17/2266; W/17/2267; and W/17/2268 – Tesco, Emscote Road, Warwick**

The Chairman and Committee agreed to consider four applications from McDonald's Restaurants Limited all together. These applications were presented to the Committee because an objection on each of them had been received from Warwick Town Council.

The proposals for each application were as follows:

- W/17/2265 was for the display of seven internally illuminated fascia signs;
- W/17/2266 was for the display of five non-illuminated directional signs for "click and collect" service;
- W/17/2267 was for the display of one internally illuminated freestanding 6.5m high totem sign, one non-illuminated banner sign, one internally illuminated directional sign and new appendage to the existing totem sign; and
- W/17/2268 was for the display of various internally illuminated and non-illuminated signage including 12 freestanding signs, one side by side directional sign, one banner unit and 22 dot signs.

The officer was of the opinion that the proposals would not detract from the amenity of the area and would not be detrimental to public safety. The proposals were therefore considered to comply with the policies listed.

The Head of Development Services informed Members that in respect of W/17/2268, dot signs did not require planning consent, so whilst these had been mentioned in the application, they were not for discussion.

An addendum circulated at the meeting advised that Warwick Town Council had confirmed its position that it still wished to object to the proposed signage as although it was not positioned adjacent to the highway, they remained visible in the surrounding area.

A motion proposed by Councillor Morris and seconded by Councillor Edgington to defer consideration of W/17/2265, W/17/2267 and W/17/2268 until such time as the Council received the planning application for the building was later withdrawn by both Councillors.

Members then decided to consider each application in turn:

#### **W/17/2265 - Tesco, Emscote Road, Warwick**

Members had concerns because the area was residential and so the lighting from the signage would be visible. They also felt that without details of the building, there was no context to consider the signs in conjunction with the building in which they would sit.

Following consideration of the report, presentation and information contained in the addendum, it was proposed by Councillor Morris and seconded by Councillor Mrs Bunker that advertisement consent should be deferred.

The Committee therefore

## PLANNING COMMITTEE MINUTES (Continued)

**Resolved** that W/17/2265 advertisement consent be **deferred** because there was no context to consider the signage in conjunction with the building in which they would sit.

### **W/17/2266 - Tesco, Emscote Road, Warwick**

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

The Committee therefore

**Resolved** that W/17/2266 advertisement consent be **granted** in accordance with the recommendations in the report, subject to the five standard conditions set out in the Advertisement Regulations and:

- (6) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 7159-SA-8469-P018 B, and specification contained therein, submitted on 30th November 2017. **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.

### **W/17/2267 – Tesco, Emscote Road, Warwick**

Following consideration of the report, presentation and information contained in the addendum, it was proposed by Councillor Boad and seconded by Councillor Day that advertisement consent should be refused.

The Committee therefore

**Resolved** that W/17/2267 advertisement consent be **refused** contrary to the recommendations in the report, because of the proliferation of the signs which impact on visual amenity.

### **W/17/2268 – Tesco, Emscote Road, Warwick**

Members were reminded that they were not considering the dot signs, which did not required planning consent.

Following consideration of the report, presentation and information contained in the addendum, it was proposed by Councillor Morris and seconded by Councillor Mrs Bunker that advertisement consent should be refused.

## PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

**Resolved** that W/17/2268 advertisement consent be **refused** contrary to the recommendations in the report, because of the proliferation of the signs which impact on visual amenity.

### 156. **W/17/2288 – 26-28 High Street, Warwick**

The Committee considered an application from Jack and Alice for a change of use from bank (use Class A2) to coffee shop/café (use Class A3).

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

The officer was of the opinion that the proposed change of use from use Class A2 to A3 would not contravene the aims and objectives of Policy TC6 and was considered acceptable. The development was not considered to affect the amenity of the street scene, adjacent listed building, Conservation Area, highway safety or residential amenity. It was therefore concluded that the development should be granted.

An addendum circulated at the meeting advised that the Conservation Area Forum (CAF) had not objected to the proposals and two additional comments had been received from the public in support of the application.

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

The Committee therefore

**Resolved** that W/17/2288 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) site plans to scale 1:200 and specification contained therein, submitted on 05/12/17 and 15/12/17. **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 deliveries, waste collections or other noisy

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

external activities likely to cause nuisance to nearby residents shall take place before 0730 hours or after 2000 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. **Reason:** To ensure that the premises are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies BE3 of the Warwick District Local Plan 2011-2029; and

- (4) noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies BE3 of the Warwick District Local Plan 2011-2029.

### **157. Planning 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 9.50pm)

CHAIR  
27 March 2018

# Planning Committee

Minutes of the meeting held on Tuesday 27 February 2018 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Cooke (Chairman); Councillors Boad, Mrs Bunker, D'Arcy, Edgington, Miss Grainger, Heath, Mrs Hill, Morris, Mrs Stevens and Weed.

**Also Present:** Senior Committee Services Officer – Mrs Barnes; Legal Advisor – Mr Howarth; Head of Development Services – Mr Barber; Senior Planning Officer – Mr Charles; and Development Services Manager – Mr Fisher.

## 158. **Apologies and Substitutes**

Councillor Miss Grainger substituted for Councillor Day.

## 159. **Declarations of Interest**

Minute Number 170 – W/17/2370 – Sherbourne Farm, Sherbourne Hill, Sherbourne

During the course of the meeting, Councillor Miss Grainger declared an interest because the applicant was known to her.

Minute Number 171 – W/17/2429 – 47b Fieldgate Lane, Kenilworth

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

During the course of the meeting, Councillor Mrs Bunker declared an interest because one of the neighbours was known to her.

Minute Number 172 – W/18/0059 – 31 Offa Drive, Kenilworth

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

Minute Number 175– W/17/2388 – 24 Saltisford, Warwick

Councillors Edgington declared an interest because the applicant was a fellow District Councillor.

Councillor Morris declared an interest because the application site was in his Ward and the applicant was a fellow District Councillor.

## 160. **Site Visits**

There were no site visits made.



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

### **161. Minutes**

The minutes of the meeting held on 30 January 2018 were not available and would be submitted to a future meeting.

### **162. W/17/2275 – Land to the South of Gallows Hill, Warwick**

The Committee considered an application from William Davis Limited & Hallam Land Management Limited for a development of up to 250 dwellings, public open space, landscaping, access to Gallows Hill, sustainable urban drainage systems, footpaths/cycle ways and associated infrastructure. All matters to be reserved except access into the site.

The application was presented to Committee because of the number of objections received, including ones from Warwick Town Council and Bishop's Tachbrook Parish Council.

The officer was of the opinion that the site was allocated within the Local Plan for residential development as part of allocation H46A. Whilst the proposed number of dwellings exceeded the estimate included at the time of allocation, it was considered that the applicant had demonstrated that the site was capable of accommodating a high quality scheme at that level which was acceptable in overall terms, including in respect of the integration of built development within the surrounding historic landscape and the appropriate management of air quality issues such that the previous reasons for refusal had been addressed.

For the above reasons, Officers recommended that outline planning permission should be granted subject to the conditions listed.

An addendum circulated at the meeting advised that further information had been received from the applicant's agent, summarising the measures that would be proposed in respect of air quality. The measures included electric vehicle charging points and connections to all plots, the provision of sustainable travel packs and payment of the requested contribution to implement highway improvements.

In addition, a number of minor revisions were proposed to conditions 4, 5, 14 and 18.

The addendum also outlined responses from Historic England and the WDC Open Space Team as well as providing an update on contributions from the WCC Infrastructure Team.

The following people addressed the Committee:

- Councillor Deely, representing Bishop's Tachbrook Parish Council, objecting;
- Councillor Ashford, representing Warwick Town Council, objecting;
- Mr Stephens, on behalf of the applicant, supporting; and
- Councillor Noone, Ward Councillor, objecting.

A motion proposed by Councillor Boad, and seconded by Councillor Weed, to approve the application as per the officers' recommendation was defeated.

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

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Edgington that the application should be refused because the reasons for refusal on the previous scheme had not been overcome.

The Committee therefore

**Resolved** that W/17/2275 be **refused**, contrary to the recommendations in the report, for the following reasons:

Councillors did not feel that a significant public benefit had been demonstrated which would outweigh the less than substantial harm to the heritage asset and the application was therefore contrary to Local Plan Policy HE1. In addition, the increased number of vehicle journeys would result in further airborne pollution and the application was therefore also contrary to Paragraphs 93 & 94 of the NPPF and Local Plan Policy NE5.

### 163. **W/17/2315 – Plot 8001-8004 Tournament Fields, Stratford Road, Warwick**

The Committee considered an application from Sackville Developments (Warwick) Ltd to vary condition 11 of planning permission W/17/1104. Planning permission W/17/1104 was for the erection of four buildings to provide employment development for Use Classes B1, B2 and B8 purposes.

The variation would delete the prohibition on loading doors being opened between 1900 hours and 0700 hours and would substitute this with a restriction whereby the loading doors could only be used if internal operations occurring at the time did not cause nuisance to nearby residences, as well as a requirement that between these hours the loading doors were only opened for as long as was necessary for instances of the movement of goods or personnel. The new condition 11 would not apply to Plot 8001.

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

Balancing out the objectives of supporting economic growth and protecting the living conditions of nearby residents, the officer was of the opinion that the revised Condition 11 provided adequate control over internal noise from the proposed development, with existing Condition 12 retained to control external noise. Therefore, it was recommended that planning permission should be granted for the variation of condition 11.

An addendum circulated at the meeting advised that the applicant had submitted comments disputing the accuracy of the Environmental Health Department's comments. In addition, comments in support of the application were detailed in full from a prospective purchaser as well as the Coventry and Warwickshire Growth Hub and Local Enterprise Partnership.

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

The following people addressed the Committee:

- Councillor Ashford, representing Warwick Town Council, objecting;
- Mr Miles, local resident, objecting; and
- Mr Wareing, representing the applicant.

Councillors raised concerns that nearby residents had to endure noise nuisance from not only the operations inside the units, should the shutter doors be opened, but from the operation of the doors themselves. In addition, Members were mindful of the comments from Environmental Health.

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

The Committee therefore

**Resolved** that W/17/2315 be **refused**, contrary to the recommendations in the report, as it would be detrimental to residential amenity, contrary to Policy BE3 of The Local Plan.

### 164. **W/17/2343 – 131 Warwick Road, Kenilworth**

The Committee considered an application from Parkroy Limited for the erection of eight apartments after demolition of the existing building.

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

The officer was of the opinion that the principle of the residential use of this site was considered acceptable and no objection had been raised to the loss of the existing commercial use. The proposal was also considered acceptable in terms of visual amenity, neighbouring amenity and highway safety terms. The development would provide acceptable living conditions for occupiers and all technical matters could be adequately secured by appropriate conditions. On this basis, it was recommended that planning permission should be granted.

An addendum circulated at the meeting advised that one additional letter of objection had been received raising concern regarding the inadequacy of the site access. In addition, Environmental Health had recommended updated wording to a condition relating to a noise assessment along with additional conditions regarding Land Contamination, Low Emission Strategy and Construction Management Plan.

The following people addressed the Committee:

- Councillor Richard Dickson, representing Kenilworth Town Council, objecting;
- Mr Cooke, representing local residents, objecting: and

## PLANNING COMMITTEE MINUTES (Continued)

- Mr Atha, representing the applicant.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Edgington and seconded by Councillor Miss Grainger that the application should be granted in accordance with the officer's recommendation.

The Committee therefore

**Resolved** that W/17/2343 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) T227-002A, T227-03A, T227-04A, T227-05A and T227-06, and specification contained therein, submitted on 12 February 2017. **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) other than the demolition of the building, no development shall take place above ground level of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall 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) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of

## PLANNING COMMITTEE MINUTES (Continued)

vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029;

- (5) other than the demolition of the building, no development shall take place above ground level of the development hereby permitted 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 that the character and appearance of the building is acceptable in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (6) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted unless and until a noise assessment has been submitted to and approved in writing by the LPA. The assessment shall be carried out at an appropriate time to the satisfaction of the Local Planning Authority. The noise assessment shall include results for LAeq, LA10, and LA90 noise descriptors, together with a calculated arithmetical average for the LAeq. The assessment will demonstrate by calculation that internal noise levels for the proposed residential properties meet the

## PLANNING COMMITTEE MINUTES (Continued)

'Good' criteria set out in British Standard 8233 'Sound Insulation and Noise Reduction for Buildings' together with any mitigation measures that are required to achieve this. The development shall be constructed in strict accordance with any necessary mitigation measures identified in the approved report. Thereafter the measures implemented shall not be removed or altered in any way. **Reason:** To ensure that the premises are not subject to unacceptable nuisance or disturbance in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

- (7) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented in strict accordance with the approved details.

**Reason:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy HS4 of the Warwick District Plan 2011-2029;

- (8) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted unless and until a Management Plan for the disposal and treatment of waste associated with the residential use has 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 method for the disposal of waste in the interests of the visual amenities of the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

## PLANNING COMMITTEE MINUTES (Continued)

- (9) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority.  
**Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029;
- (10) no part of the development hereby permitted shall be commenced unless and until a scheme for the provision of bat and bird boxes to be erected within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme shall include details of box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity. **Reason:** In accordance with NPPF, ODPM Circular 2005/06;
- (11) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works in the approved application documents. 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

## PLANNING COMMITTEE MINUTES (Continued)

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;

- (12) the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to check all suitable features in the roof of the building and associated structures to be demolished immediately prior to works commencing. All roofing material is to be subsequently removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To ensure that protected species are not harmed by the development. In order to discharge the condition above a brief report from the bat worker must be submitted to and approved by the local Planning Authority; and
- (13) no dwelling hereby permitted shall be occupied unless and until the communal car parking spaces to be provided have been completed and marked out in strict accordance with the approved drawing(s) number T227-002A and made available for use by the occupants and / or visitors to the dwelling(s) and thereafter those spaces shall be retained for parking purposes at all times. **Reason:** To ensure adequate parking provision within the development in the interests of the amenities of the locality and highway safety in accordance with Policies BE1, BE3 and TR4 of the Warwick District Local Plan 2011-2029.

165. **W/17/1552 – Land on the North Side of Common Lane, Kenilworth**



## PLANNING COMMITTEE MINUTES (Continued)

The Committee considered a reserved matters (details of appearance, landscaping, layout and scale) application from Bloor Homes Western pursuant to condition 1 of planning permission W/14/1340 for the erection of 93 dwellings.

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

The officer was of the opinion that, subject to the resolution of the various outstanding matters highlighted in the report, the proposals would have an acceptable impact on the living conditions of nearby dwellings and would provide a satisfactory living environment for future occupants of the proposed dwellings. Furthermore, subject to these outstanding matters, the proposals would have an acceptable impact on the character and appearance of the area and on trees, hedgerows and ecology. Finally, the proposals were considered to be acceptable in terms of car parking and highway safety and, therefore, it was recommended that the application should be approved.

An addendum circulated at the meeting advised that an amended layout had been submitted to relocate some of the affordable dwellings which would distribute them more evenly across the site. Officers felt that this now represented a suitable distribution of affordable housing. The amended layout also showed additional soft landscaping which would break up the frontage car parking plots.

Following the submission of further details of noise mitigation measures, Environmental Health had advised they no longer had an objection, along with WCC Ecology who had also confirmed no objection following receipt of further ecological information.

The applicant had also confirmed that the open space and children's play space provisions would accord with the outline application.

The following people addressed the Committee:

- Councillor Illingworth, representing Kenilworth Town Council, objecting; and
- Mr Shaw, representing the applicant.

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

The Committee therefore

**Resolved** that W/17/1552 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and  
Item 4b / Page 10

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

approved drawing(s), 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 shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (3) none of the dwellings hereby permitted shall be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings for that dwelling have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 & TR3 of the Warwick District Local Plan 2011-2029; and
- (4) none of the flats hereby permitted shall be occupied unless bin and cycle stores have been constructed in strict accordance with details that shall have been submitted to and approved in writing by the local planning authority. The bin and cycle stores shall be retained and kept available for the storage of refuse and recycling and for the parking of cycles at all times thereafter. **Reason:** To protect the amenities of occupiers of the site and the character and appearance of the locality and to ensure that sufficient cycle parking is available, in accordance with Policies BE1, BE3 & TR3 of the Warwick District Local Plan 1996-2011.

### **166. W/17/2326 – 9 Stuart Close, Warwick**

The Committee considered an application from Mr Phillips for the erection of a single storey front extension with bow front door and two velux roof lights.

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

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

The officer was of the opinion that, given the fall-back position of the extant permission, it was considered that the proposal constituted an improvement, the scheme met the requirements of Local Plan Policy BE1, BE3 and HE2 and was recommended for approval.

The following people addressed the Committee:

- Councillor Ashford, representing Warwick Town Council, objecting; and
- Mrs Hudson, local resident, objecting.

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

The Committee therefore

**Resolved** that W/17/2326 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 17/11/17-01, and specification contained therein, submitted on 25th January 2018.

**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; and

- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

### **167. W/17/2145 – Abbey Farm, Ashow Lane, Ashow**

The Committee considered an application from Mr & Mrs Burdett for the conversion and extension of the existing garage/outbuilding and linking to the existing annexe building to create a new separate dwelling.

## PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee at the request of Councillor Wright and because five letters of support had been received. The recommendation from officers was that permission should be refused.

This item was taken in conjunction with application W/17/2146 LB which dealt with the Listed Building consent at the site.

The officer was of the opinion that it was considered that the proposal was unacceptable because it comprised inappropriate development in the Green Belt, to which there was an objection in principle, as no very special circumstances existed. The proposal also resulted in less than substantial harm to the character and setting of the Grade II Listed Building and the Curtilage Listed outbuilding which was not outweighed by any public benefits.

An addendum circulated at the meeting advised that one additional letter of objection had been received on the grounds that the proposal would increase noise and nuisance. In addition, Councillor Wright had submitted comments in support of the application advising that he did not feel that there were any clear and concise planning reasons for the proposal to be rejected.

The following people addressed the Committee on this item and the following listed building consent item:

- Mr Eliot-Higgitt, local resident, objecting; and
- Mr Baily, representing the applicant.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Mrs Bunker that the application should be refused, for the reasons outlined in the report.

The Committee therefore

**Resolved** that W/17/2145 be **refused** in accordance with the recommendations in the report, for the following reasons:

- (1) the site lies within the West Midlands Green Belt. Paragraph 89 states that the extension of a building is not inappropriate development where the increase does not result in disproportionate additions over and above the size of the original building. The proposal seeks the extension of an existing outbuilding which connects to an existing garage building. The floorspace of the proposed development would result in an increase well in excess of what is considered to be a proportionate addition to a building within the Green Belt. Due to scale of the increase, the proposal is considered to result in a disproportionate addition to a building within the Green Belt and is therefore contrary to Paragraph 89 of the  
Item 4b / Page 13

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

NPPF. There are no very special circumstances that would outweigh the harm to the openness of the Green Belt; and

- (2) the works proposed will have negative impact on the character and setting of the Listed buildings within the site and are considered to result in less than substantial harm to those buildings. No public benefits sufficient to outweigh the identified harm have been demonstrated and therefore the proposal is contrary to Policy HE1 of the Warwick District Local Plan 2011-2029, guidance within the NPPF and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

### **168. W/17/2146 LB – Abbey Farm, Ashow Lane, Ashow**

The Committee considered an application from Mr & Mrs Burdett for the conversion and extension of the existing garage / outbuilding, and linking to the existing annexe building to create a new separate dwelling.

The application was presented to Committee at the request of Councillor Wright and because five letters of support had been received. The recommendation from officers was that permission be refused.

This item was taken in conjunction with application W/17/2145 which dealt with the planning permissions at the site.

The officer was of the opinion that the proposed development was considered harmful to the setting of the Grade II Listed Building and the Curtilage Listed Building at the site and therefore, the principle of the proposed works was considered to be contrary to the provisions of Policy HE1 of the Local Plan, together with National Guidance contained within the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.

An addendum circulated at the meeting advised that one additional letter of objection had been received on the grounds that the proposal would increase noise and nuisance. In addition, Councillor Wright had submitted comments in support of the application advising that he did not feel that there were any clear and concise planning reasons for the proposal to be rejected.

The following people addressed the Committee on this item and the previous, linked item:

- Mr Eliot-Higgitt, local resident, objecting; and
- Mr Baily, representing the applicant.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Mrs Bunker that listed building consent should be refused, for the reasons outlined in the report.

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

The Committee therefore

**Resolved** that W/17/2146 LB be **refused** in accordance with the recommendations in the report, for the following reason:

- (1) the works proposed will have negative impact on the character and setting of the Listed building and are considered to result in less than substantial harm to the building. No public benefits outweigh the identified harm and therefore the proposal is therefore contrary to Policy HE1 of the Warwick District Local Plan 2011-2029, guidance within the NPPF and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

### 169. **W/17/2209 – Land at Westham Lane, Barford**

The Committee considered an application from Waterloo Housing Group Ltd for revised access and parking layout to serve a residential development of nine properties (previously under application W/16/0441).

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

The officer was of the opinion that the proposal represented an improvement to the point of access serving this approved development and would not result in visual harm to the local area, harm to the amenity of neighbours, or harm to features of ecological value.

An addendum circulated at the meeting advised that an additional letter of objection had been received raising concerns with Fire Vehicle Access and Safety Issues. In response, the Building Control Officer had submitted comments following an inspection of fire access.

The following person addressed the Committee:

- Mrs Pennington, representing the applicant.

Following consideration of the report, presentation, information contained in the addendum and the representation made at the meeting, it was proposed by Councillor Mrs Bunker and seconded by Councillor Miss Grainger that the application should be granted in accordance with the recommendation in the report.

The Committee therefore

**Resolved** that W/17/2209 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin  
Item 4b / Page 15

## PLANNING COMMITTEE MINUTES (Continued)

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) 9378.02i and DWG-09, and specification contained therein, submitted on 22 November 2017. **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 shall not be occupied until the new access and site layout including the provision of bollards to the existing access point have been constructed and laid out in general accordance with drawing no. DWG-09. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (4) the development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the right (east) of the vehicular access and 25 metres to the left (west) of the vehicular access, measured to the near side of the 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 carriageway. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and
- (5) the additional planting as shown on plan reference 9378.02 shall be carried out in accordance with the approved details within the first planting season following the substantial completion of the development. 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

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

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.

### **170. W/17/2370 – Sherbourne Farm, Sherbourne Hill, Sherbourne**

The Committee considered an application from Mr Lea for the erection of a tiled roof, open sided timber gazebo.

The application was presented to Committee because the recommendation was one of refusal and more than five letters of support had been received.

The officer was of the opinion that the application was for a new building within the Green Belt, which was contrary to National and Local Policy. No very special circumstances had been put forward which would outweigh the harm by reason of inappropriateness and harm to openness. Furthermore, the proposal would result in material harm to the character and setting of the converted barns.

The following person addressed the Committee:

- Mr Lea, the applicant.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Edgington that the application should be refused as per the officers' recommendation.

The Committee therefore

**Resolved** that W/17/2370 be **refused** in accordance with the recommendations in the report, for the following reasons:

- (1) paragraph 89 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. The proposed gazebo does not meet any of the exceptions listed under paragraph 89 of the NPPF. No very special circumstances have been presented which outweigh the harm by reason of inappropriateness and harm to openness; and
- (2) the proposal relates to a group of converted barns which are used as a wedding venue, which by their very nature were a rural outbuildings with an agricultural character. To



## PLANNING COMMITTEE MINUTES (Continued)

grant permission for an outbuilding with a domestic character to serve these barns would harm their character and setting and would be contrary to Policy BE1 and the Council's Barn Conversion SPG.

### 171. **W/17/2429 – 47b Fieldgate Lane, Kenilworth**

The Committee considered an application from Mr Hastings for a replacement house after demolition of the existing bungalow.

The application was presented to Committee because the recommendation was one of refusal and five letters of support had been received.

The officer was of the opinion that the design of the proposal was not considered to be an enhancement to the Conservation Area or wider street scene due to the contrived design, specifically the one and a half storey element along the southern elevation. The design created an unbalanced property that appeared to be overly large for the plot and also caused an unacceptable overbearing and loss of light impact to the neighbouring property no. 49. As such the proposal was considered to be contrary to Policies HE1, HE2, BE1 and BE3 of the Local Plan.

An addendum circulated at the meeting advised that one additional letter of support had been received, echoing previously raised points.

The following people addressed the Committee:

- Mr Davies, on behalf of his mother, a local resident, objecting;
- Mr Baily, representing the applicant.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Edgington and seconded by Councillor Weed that the application should be refused in accordance with the officers' recommendation.

The Committee therefore

**Resolved** that W/17/2429 be **refused** in accordance with the recommendations in the report, for the following reasons:

- (1) the design of the proposal is not considered to be an enhancement to the Conservation Area or wider street scene due to the contrived design, specifically the one and a half storey element along the southern elevation and the rear dormer position. The design creates an unbalanced property that appears to be overly large for the plot. The proposal is therefore contrary to Policies HE1, HE2 and BE1 of the Warwick District Council Local Plan 2011-2029; and

## PLANNING COMMITTEE MINUTES (Continued)

- (2) the proposed replacement dwelling by virtue of its size and proximity is considered to cause an unacceptable overbearing and loss of light impact on the side facing study window of the neighbouring property no. 49 which is contrary to the provisions of Policy BE3 of the Warwick District Council Local Plan 2011-2029.

### 172. **W/18/0059 – 31 Offa Drive, Kenilworth**

The Committee considered an application from Mrs Taylor for the erection of a two storey rear extension.

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

The officer was of the opinion that the proposal was considered to meet the requirements of Local Plan Policies BE1 and BE3 and was therefore recommended for approval.

An addendum circulated at the meeting advised that the applicant had submitted comments disputing the accuracy of a neighbour objection. The applicant stated that 31 Offa Drive was built with an integral staircase giving access to first floor accommodation. The proposal therefore did not aim to turn the existing dwelling into a house, as it was already the case.

The following person addressed the Committee:

- Councillor Illingworth, representing Kenilworth Town Council, objecting.

Following consideration of the report, presentation, information contained in the addendum and the representation made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Miss Grainger that the application should be granted as per the officers' recommendation.

The Committee therefore

**Resolved** that W/18/0059 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1736/P/01, 1736/P/02, 1736/P/03 and specification contained therein,

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

submitted on 11th January 2018. **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; and

- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

### **173. W/14/0967 – Land North of Gallows Hill, Warwick**

The Committee considered an application for the variation of a Section 106 Agreement in relation to the transfer of land for Warwick District Council. The development was of up to 425 residential dwellings (Use Class C3), medical centre, community hall, formal and informal green spaces, sports and recreation provision, structural landscaping, new roads, footpaths and cycle ways, site access and ancillary works (outline application including details of access).

This report related to the above planning permission which was granted on 3 April 2015 (W/14/0967) and subsequently varied (W/17/0988) to amend the location of the site access from Gallows Hill. Both permissions were subject to a section 106 Agreement which imposed a range of obligations on the developer.

The application was presented to Committee because the decision related to a legal agreement.

The officer was of the opinion that the proposed changes to the Section 106 Agreement were considered to be in accordance with the Council's policies and served the planning purposes equally as well as the original version. It was therefore recommended that the Section 106 should be amended as requested.

Following consideration of the report and presentation, it was proposed by Councillor Mrs Bunker and seconded by Councillor Mrs Stevens that the application should be granted in accordance with the recommendations in the report.

The Committee therefore

**Resolved** that a further variation of the Section 106 Agreement relating to permission W/14/0967 be **authorised** in accordance with the recommendation in the report, in the event that the sale of the County Council Land to the District Council and Waterloo Housing Group proceeds, in order to:-

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

- substitute a revised land use plan to show the locations of the Community Hall Land, the GP Facility Land, the Stadium Land, the Education Land and the alignment of the spine road. The variation agreement will also provide (subject to the agreement of the County Council) that whilst the total area of the Education Land will remain the same as the revised use plan the detailed boundaries may change;
- reflect the fact the site has been split and the planning obligations will be attributed proportionately between the parties to ensure that development on one part is not frustrated by a failure to provide infrastructure on the other;
- give the District Council the right to enter the WHG land to construct the spine road and provide servicing if necessary in order to facilitate development of its own land and to recover its costs; and
- provide for any consequential amendments required as a result of changes set out above.

### **174. W/17/2347 – Baginton School (Sunday School Rooms), Church Road, Baginton**

Following receipt of further information and clarification from the applicant, the proposed reasons for refusal had been overcome and planning permission was granted under delegated powers.

Therefore, it was no longer necessary for this item to be considered by Planning Committee and the application had been withdrawn from the agenda.

### **175. W/17/2388 – 24 Saltisford, Warwick**

The Committee considered an application from Mr Butler for the erection of a dual pitched roof garage, following demolition of the existing flat roofed garage.

The application was presented to Committee because the applicant was an elected District Councillor.

The officer was of the opinion that the proposed pitched roof garage was considered to enhance the Conservation Area and would present no harm to the setting of the Listed Building or the amenity of neighbouring properties.

Following consideration of the report and presentation, it was proposed by Councillor Morris and seconded by Councillor Miss Grainger that the application should be granted as per the officers' recommendation.

The Committee therefore

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

**Resolved** that W/17/2388 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 17/66-01, 17/66-02, and specification contained therein, submitted on 21/12/2017. **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; and
- (3) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall 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, HE1 and HE2 of the Warwick District Local Plan 2011-2029.

### **176. W/18/0006 – Leigh Foss, The Valley, Radford Semele**

The Committee considered an application from Mr Clarkson for the erection of a single storey rear extension.

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

The officer was of the opinion that the proposal was considered to meet the requirements of Local Plan Policies BE1, BE2 and NE2 and was therefore recommended for approval.

Following consideration of the report and presentation, it was proposed by Councillor Edgington and seconded by Councillor Mrs Stevens that the application should be granted as per the officers' recommendation.

The Committee therefore

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

**Resolved** that W/18/0006 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 3650-02A, and specification contained therein, submitted on 8th February 2018. **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; and
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

### **177. Planning 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 10.47 pm)

CHAIR  
27 March 2018

**Planning Committee:** 27 March 2018

**Item Number: 5**

**Application No:** [W 13 / 1207](#)

**Town/Parish Council:** Warwick

**Case Officer:** Rob Young  
01926 456535 rob.young@warwickdc.gov.uk

**Woodside Farm, Harbury Lane, Bishops Tachbrook, Leamington Spa,  
CV33 9QA**

Outline planning application for an urban extension comprising up to 280 new homes, public open space, landscaping, new access and highways and associated and ancillary development. FOR Thomas Bates & Son Ltd

**Variation of Section 106 Agreement in relation to the affordable housing provisions**

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**INTRODUCTION**

This report relates to the above planning permission which was granted on 21 November 2013 and is subject to a Section 106 Agreement which imposed a range of obligations on the developer. This included a requirement to provide 40% affordable housing.

**RECOMMENDATION**

Planning Committee are recommended to authorise the variation of the Section 106 agreement as necessary in order to:

- amend the affordable housing tenure mix from 50% social rented / 30% affordable rented / 20% shared ownership to 50% social rented / 50% affordable rented; and
- change the Mortgagee in Possession clause to make it acceptable to lenders.

**DETAILS OF THE VARIATION**

The variation is sought by a Housing Association (WM Housing Group) in order to enable them to take on affordable housing units on the development. They wish to change the tenure mix specified in the Section 106 Agreement to allow for a larger proportion of affordable rented units in lieu of shared ownership units. The overall amount of affordable housing remains the same at 40%, as does the proportion of social rented units (50%). A change to the Mortgagee in Possession clause is also sought in order to make this acceptable to lenders.

## **ASSESSMENT**

The Council's Housing Strategy Team have raised no objection to the proposed variation. Therefore it is considered that the proposals will continue to make adequate provision for affordable housing to meet local housing needs. It is also noted that the variation is sought by a Housing Association who wish to take on affordable housing units on the site. For these reasons it is recommended that the proposed variation is agreed.



**Planning Committee:** 27 March 2018

**Item Number:** **6**

**Application No:** [W 17 / 1933](#)

**Town/Parish Council:** Whitnash  
**Case Officer:** Lucy Hammond  
01926 456534 lucy.hammond@warwickdc.gov.uk

**Registration Date:** 14/11/17

**Expiry Date:** 09/01/18

**485 Tachbrook Road, Whitnash, Leamington Spa, CV31 3DQ**

Proposed increase in the eaves and ridge heights of the existing bungalow by 2.6m and 2.4m respectively to facilitate the addition of a first floor and the creation of a two storey building. Proposed change of use from dwelling to HMO for up to 8 people. FOR C/o The Planning Group Ltd

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought to change the use of the application building from a single dwelling to a House in Multiple Occupation (HMO) for up to 8 people. The proposals also include the construction of extensions and an increase in the heights of the eaves and ridge of the building to effectively convert it from a bungalow to a two storey property however it should be noted that these extensions have already been approved as part of an earlier planning permission (detailed in the history section below) and the current plans submitted with this application show the same scheme as that which has already been permitted.

**THE SITE AND ITS LOCATION**

The application property is a bungalow with an existing loft conversion located on the east side of Tachbrook Road, in Whitnash. This section of the streetscene is mainly characterised by large, two storey detached dwellinghouses with long and wide driveways and various designs and fascias. While there are limited examples of other single storey bungalows of the same character as the application property, these are further along the road and represent an exception to the overall character and rhythm of the street. On the opposite side of the road to the west of the site is the Warwick Gates residential development.

The application dwelling has been significantly extended at single storey level to the rear although this can not be seen from the streetscene and has had a loft conversion, but these extensions project a considerable length from the original rear wall and comprise of flat roofs. The rear extension forming the north elevation of the property projects almost the whole length of the original

dwellinghouse. Moreover, it is noted that at the time of considering this application works are already underway on site to construct the approved extensions and other works at the property.

### **PLANNING HISTORY**

W/17/1368 - Erection of first floor extension over bungalow and pitched roofs over existing rear extensions to provide two storey house – Approved 06.10.2017

W/13/0146 - Proposed first floor extension and new pitched roof to existing rear extensions – Approved 27.03.2013

### **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Neighbourhood Plan
- Whitnash Neighbourhood Plan

### **SUMMARY OF REPRESENTATIONS**

**Whitnash Town Council:** Objection; there are concerns about access and egress on Tachbrook Road, as it is extremely busy.

**WCC Highways:** No objection to the principle however further clarification sought

**WCC Ecology:** No objection; notes recommended

**Private Sector Housing:** No objection

**Open Space Team:** No objection subject to condition

**Health and Community Protection (Environmental Sustainability):** No objection

**Public response:** 9 letters of objection received (2 from the same individual) raising the following material planning considerations:

- The introduction of a HMO here will lead to a change in the character of the area
- This will erode the quality of life for nearby residents
- Change of use to HMO will intensify the size, use and loss of privacy
- Loss of light to neighbouring properties
- Concerns about drainage
- Concerns about increased noise and disturbance
- Concerns about waste management
- Impact on ecology and protected species
- Concerns about parking and general highway safety

Other non-material considerations were raised including:

- There is no need for any HMO's in this location

## **ASSESSMENT**

The main issues to consider are:

- The principle of development
- The impact on the character of the area and streetscene
- The impact on neighbouring residents
- Access, car parking and highway safety
- Ecological issues
- Other matters

### The principle of development

Policy H6 of the Local Plan states that planning permission will be granted for Houses in Multiple Occupation where:

- a) the proportion of dwelling units in multiple occupation (including the proposal) within a 100m radius of the application site does not exceed 10% of total dwelling units;
- b) the application site is within 400m walking distance of a bus stop;
- c) the proposal does not result in a non-HMO dwelling being sandwiched between two HMO's;
- d) the proposal does not lead to a continuous frontage of three or more HMOs; and
- e) adequate provision is made for the storage of refuse containers whereby -
  - i. the containers are not visible from an area accessible by the general public, and
  - ii. the containers can be moved to the collection point along an external route only.

The proposed HMO would be located in a predominantly residential area and the 100m radius calculation carried out for the proposal concludes that the total number of HMO's would be 1.7% of the total number of dwelling units. The policy is therefore complied with in this respect.

The application site is within 400m walking distance of a bus stop, the proposal would not result in a non-HMO dwelling being sandwiched between two HMO's, the proposal would not lead to a continuous frontage of three or more HMO's and adequate provision would be made for storage of refuse containers in accordance with (e) of the policy.

Having regard to the content of the adopted Whitnash Neighbourhood Development Plan, there is no specific policy regarding the provision or consideration of Houses in Multiple Occupation so the proposal, in principle, is not considered to be contrary to the provisions of the NDP.

Overall, the proposal accords with the provisions of Policy H6 and therefore the development is considered acceptable in principle subject to an assessment being made of the other relevant material considerations which are set out below.

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

It is acknowledged that the proposed extensions are the same as those which have already been approved under an earlier permission (W/17/1368) and as such it is considered that there would be no greater impact on the visual amenities of the surrounding area and street scene than the approved scheme. The proposal is therefore considered to comply with Policy BE1 of the Local Plan.

#### The impact on neighbouring residents

Since the proposed extensions and physical works to the dwelling are the same as those approved last year under W/17/1368 officers do not consider there would be any greater impact resulting from the operational development on the residential amenity of the nearest neighbouring properties over and above the approved scheme.

In terms of the use, with the dwelling now proposed to be used as a HMO for up to 8 people as opposed to a single family dwelling, there are no objections raised to the development by the Environmental Health and Private Sector Housing teams. Moreover the proposal complies with Policy H6 which seeks to protect both the character of residential areas and the private amenity of the closest residential properties. Overall, officers do not consider that the use of this building as a HMO would result in material harm to the amenity of other neighbouring dwellings such as to justify a refusal of permission. The proposals are therefore considered to comply with Policy BE3 of the Local Plan.

#### Access, car parking and highway safety

The existing property is served by a vehicle access off Tachbrook Road. The proposed HMO would utilise the same access with space to the front of the building to create parking and turning areas for future occupiers. The County Highways Authority's original consultation response raised no objection to the principle of development however it sought clarification and an additional plan showing that the existing access was capable of being widened to the requisite width to enable cars to pass one another based on the proposed and intensified use. A revised plan has been submitted which illustrates the necessary

improvements to the access in line with the recommendations of the Highways Authority and it is anticipated that by the time this application is heard at committee the Highways Authority will have formally withdrawn its objection. This will be reported via the committee updates.

A total of four car parking spaces are proposed to the front of the building which accords with the parking standards which require one space per two bedrooms for HMO's. Officers are satisfied that the proposal would not result in any detriment to highway safety and sufficient parking can be provided. Accordingly the development complies with Policies TR1 and TR3 of the Local Plan.

### Ecology

No objections are raised by the County Ecologist who has recommended the same informatives be attached to any forthcoming permission as was the case on the earlier approval for the same extensions to the building. Officers are satisfied that no harm would be caused to protected species or other features of ecological importance and the development therefore accords with Policy NE2 of the Local Plan.

### Other matters

#### *Open Space*

Policy HS4 seeks contributions from developments to provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs. The proposed development would not make any on-site provision for open space and accordingly, having been assessed by the Open Space team, a contribution of £6,140 would be required which would be put toward the development objectives of the Town Council relating specifically to green space improvements. If the Town Council is able to identify any specific projects towards which such a contribution would be put then the proposal would be considered to accord with HS4 and would be acceptable in this regard. It is anticipated that by the time this is heard at committee the Town Council will have been able to confirm whether or not there are any specific projects and this will be reported via the committee updates.

#### *Low Emissions Strategy*

Policy NE5 seeks to permit development proposals that ensure the district's natural resources remain safe, protected and prudently used. To that end, development proposals will be expected to demonstrate that they (*inter alia*) do not give rise to soil contamination or air, noise, radiation, light or water pollution where the level of discharge, emissions or contamination could cause harm to sensitive receptors.

In accordance with the requirements of the policy, and where development proposals would lead to an increase in vehicular movements, a standard condition should be applied to any forthcoming permission requiring a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance. I propose to attach this condition in the event permission is forthcoming. Accordingly, I consider the development is acceptable in this regard and accords with Policy NE5.

## **Summary/Conclusion**

The principle of development, to change the use of the building from a single residential dwelling to a House in Multiple Occupation for up to eight people, is acceptable in accordance with the provisions of Policy H6 of the Local Plan. With regard to the proposed extensions to the building, including the increase in the eaves and ridge heights of the original building, no changes are proposed in this application over and above those which have already been approved under an earlier permission approved last year (W/17/1368). Since the resulting building, once extended, would be the same as that which has already been permitted, officers consider there would be no greater impacts on the character of the area, appearance of the street scene, or the residential amenity of nearby neighbouring properties. Furthermore, there would be no detriment to highway safety and the access and number of car parking spaces is considered to be in accordance with the relevant policies of the Development Plan.

Having regard to all of the above considerations, it is therefore the opinion of Officers, that the development accords with the aforementioned policies of the Warwick District Local Plan 2011-2029 and as such it is recommended that planning permission be approved subject to the conditions set out below.

### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings AL (BR) 02 Rev.B and AL (BR) 04 and specification contained therein, submitted on 17 October 2017 and revised drawing AL (BR) 00 Rev.B and specification contained therein, submitted on 19 January 2018. **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 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029:
  - (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and
  - (ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented in strict accordance with the approved details.  
**REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy HS4 of the Warwick District Plan

2011-2029.

- 4 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 5 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.
- 6 Prior to the occupation of the development hereby permitted, the first floor side windows in the north and south facing elevations 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 window(s) shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
- 7 The development hereby permitted shall not be occupied until the cycle and bin store shown on approved drawing AL (BR) 02 Rev.B has been provided. The cycle and bin store shall thereafter be retained as such in perpetuity. **REASON:** In the interests of visual and residential amenities and character of the area having regard to Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 8 The development hereby permitted shall not be occupied until the parking and turning space for vehicles shown on approved drawing AL (BR) 00 Rev.B has been provided. The parking and turning areas shall thereafter be retained as such in perpetuity. **REASON:** In the interests of highway safety having regard to Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

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**Planning Committee:** 27 March 2018

**Item Number:** 7

**Application No:** W 17 / 2331

**Town/Parish Council:** Bishops Tachbrook  
**Case Officer:** Emma Booker

**Registration Date:** 07/02/18

**Expiry Date:** 04/04/18

01926 456521 Emma.Booker@warwickdc.gov.uk

**1 Laertes Grove, Warwick Gates, Warwick, CV34 6EL**

Erection of a two storey side extension, front porch and a ground floor front bay window FOR Mr V Fu

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

**RECOMMENDATION**

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

**PLANNING HISTORY**

- In 2001 planning permission was granted for "Retention of a rear conservatory and garden store, Plot 30. (Retrospective Application)" (Ref. W/00/1415).
- In 2007 planning permission was refused for "Erection of two storey rear extension" (Ref. W/06/1864). The reason for refusal was as follows:

*"The application relates to a 2 storey detached dwelling situated on Laertes Grove. The surrounding area is characterised by detached dwellings of a similar age and design. The application property has been extended previously, with a large full-width conservatory added to the rear of the house, and a garden room added to the rear of the garage.*

*The application proposes a full-width first floor rear extension above the existing conservatory, and this would also require three new ground and first floor windows to be inserted into the sides of the existing house. In the opinion of the District Planning Authority, the proposal would be injurious to neighbours' amenity due to the bulk and mass of the proposed extension, resulting in an unneighbourly addition which would result in an unacceptable overdevelopment of this site."*

- In 2009 planning permission was granted for "Erection of new pitched tiled roofs to existing conservatory and store and new rear wall to conservatory" (Ref. W/09/0947).



## **KEY ISSUES**

### **The Site and its Location**

The application relates to a two storey detached dwelling situated in Laertes Grove on the Warwick Gates estate. The surrounding area is characterised by detached dwellings of a similar age and design.

The application property has been extended previously, with a large full-width pitched roof rear extension and a flat-roofed garden room added to the rear of the garage positioned along the side boundary of the garden.

### **Details of the Development**

The application proposes the erection of a two storey side extension, front porch extension and front bay window at ground floor.

As originally submitted, the proposal included an increase in the height of the garage and the sun room. In response to neighbour objections and advice from the LPA, the design of the proposal as originally submitted, has been amended to remove these elements.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Vehicle Parking Standards (Supplementary Planning Document)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

## **SUMMARY OF REPRESENTATIONS**

**Bishop's Tachbrook Parish Council** - Object on grounds of insufficient parking and an overdevelopment of the site.

**WCC Ecological Services** - Recommend notes relating to bats and nesting birds.

**Public Response** - 2 objections have been received on grounds of loss of light to neighbouring gardens, loss of privacy, unneighbourly development and overdevelopment of the site.

### **Assessment**

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

- Impact on the living conditions of neighbouring dwellings
- Design
- Parking

### Neighbour Amenity

Policy BE3 of the Local Plan requires development to have an acceptable impact on the amenity of neighbouring properties.

No. 3 Laertes Grove is set further forward than the application property and the side extension would finish more or less flush with the rear elevation of this neighbour. As such, the proposed side extension and front bay window extension would not infringe the 45 degree line and it is therefore considered that the proposal would not result in material harm to the living conditions of the occupiers of the neighbouring property by reason of loss of light and outlook.

The proposal would therefore accord with Policy BE3 of the Local Plan.

### Design of the proposed extension

Local Plan Policy BE1 requires all development to relate well and harmoniously with the architectural form of the surrounding built environment, in terms of scale and massing, and also through good design.

The proposed two storey side extension has been designed to be subservient to the main dwelling as it is set down from the roof ridge of the main dwellinghouse in accordance with the Residential Design Guide SPG. The materials used in the construction of the proposal are to match existing enabling the extension to blend into the form of the original dwellinghouse.

Warwick Gates is characterised by properties with narrow gaps between them. There are examples of properties in the vicinity of the application site which have a 1m gap between them and the adjacent properties. It is therefore considered that the proposed two storey side extension would not be at odds with the established character of the area.

It is therefore considered that the development will accord with Policy BE1.

### Parking

Policy TR3 states that development will only be permitted that makes provision for parking and does not result in on-street car parking detrimental to highway safety. The Supplementary Planning Document (SPD) *Vehicle Parking Standards* sets out Warwick District Council's detailed parking standards for developments.

The existing property requires 2 parking spaces. As there is to be no increase in the number of bedrooms as part of this proposal, the parking requirement remains the same. The application property has a sizable driveway with ample space for two cars and therefore the proposal will not compromise parking provision for the property and the proposal accords with Policy TR3.

## **CONCLUSION**

### **Summary/Conclusion**

The proposal is considered to meet the requirements of Local Plan Policies BE1, BE3 and TR3 and 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) 3544-02M, and specification contained therein, submitted on 28th February 2018. **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:** 27 March 2018

**Item Number:** **8**

**Application No:** W 17 / 2392

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

**Registration Date:** 15/12/17

**Expiry Date:** 09/02/18

01926 456527 dan.charles@warwickdc.gov.uk

**52-60 Warwick Street, Leamington Spa, CV32 5JP**

Erection of third storey over existing building to provide 2no. six bedroom HMOs  
(Use Class C4) FOR Mr. Hardeep Malle

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

**RECOMMENDATION**

Members are recommended to grant planning permission, subject to the receipt of an acceptable Unilateral Undertaking to amend the Traffic Regulation Order for the site in order to restrict the ability of future occupants to apply for parking permits, and subject to the conditions listed at the end of this report.

**DETAILS OF THE DEVELOPMENT**

This is a full planning application for the provision of a lightweight glazed structure on top of the existing building set in from the front and side elevations to create a subservient structure to provide an additional 2no. 6 bed HMOs.

**THE SITE AND ITS LOCATION**

The application property is a large, currently vacant, retail premises located on a prominent corner site within a primary retail area within the Leamington Spa Town Centre. The site also lies within the Royal Leamington Spa Conservation Area.

Planning permission and a Lawful Development Certificate have previously been granted for the conversion of the ground floor into a single retail unit and the first and second floors to be converted into a total of 4 six bed flats (2 at first floor and 2 at second floor).

The application site occupies a corner plot with the main frontage onto Warwick Street and the side elevation facing Bedford Street.

**PLANNING HISTORY**

W/17/1822 - Proposed refurbishment of former Co-Op building. Retail use at ground floor retained. Second floor (formerly storage and office ancillary to retail use) to be converted to 2 no 6 bedroom flats. Elevational modifications to fenestration – Granted 09.11.2017.

W/17/1816 - Proposed lawful development for change of use from First Floor (formerly retail use) to residential use (2 no. 6 bed flats) – Granted 09.11.2017.

W/17/0482 - Proposed refurbishment of former Co-Op building to include subdivision into 4 retail units with new shopfronts at ground floor and conversion of upper floors to 9 no. flats for students (4 x 2 bedroom and 5 x 3 bedroom) with associated external alterations to courtyard area – Refused 28.07.2017.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- TCP1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 2011-2029)
- TCP6 - Primary Retail Frontages (Warwick District Local Plan 2011-2029)
- TCP13 - Protecting the Residential Role of Town Centres (Warwick District Local Plan 2011-2029)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)

### **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** *Objection. "Lack of any parking provision for this development which has doubled in size. Being realistic, we need to acknowledge that some students do own and use cars in Leamington and they cannot be prevented from doing so. Having no on site parking or suitable on street parking means any cars belonging to residents of these flats will have to park them on neighbouring un-permitted streets, adding yet more pressure to these streets. Covent Garden car park will be out of action for some time in the near future and so cannot be relied on to provide parking, and should we be relying on public car parks to provide residential parking? Town Council expressed concern about parking for this development last time and nothing seems to have been done to address this. Town Council also notes that while this is not a HMO application, a HMO calculation was done on the previous application on this site and it exceeded the 10% allowed by Policy H6. It would be useful to know what the addition of an extra twelve flats would bring the calculation to".*

**WDC Green Space Team:** The proposal will result in additional pressure on existing open space within the local area. Recommend a contribution of £10,104 is sought towards the improvement of Mill Gardens, relating specifically to drainage improvements.

**WCC Highways:** The site is in a highly sustainable location. Whilst no permit parking is available within the vicinity of the site, it is possible to apply for L0 Permits that relates to the wider town centre area. Therefore, recommend a Unilateral Undertaking is sought to secure the removal of the property from the permit scheme. Subject to this, no objection is raised to the development.

**Conservation Advisory Forum:** Consider additional storey to be too dominant upon a building that is already unduly visually prominent. The additional storey would harm the setting of adjacent listed buildings and it would appear harmful to the street scene, especially when viewed from Parade. It would therefore harm the appearance of the Conservation Area.

## **ASSESSMENT**

### Principle of development

The application property comprises previous developed land within the urban area and consequently the broad principle of re-use for housing is in accordance with Local Plan Policy H1. With regard to the NPPF, as the site is previously developed and in the urban area its re-use is sustainable, subject to compliance with other policies of the development plan and material considerations.

The proposal seeks an extension on the flat roof of the building to create a 'penthouse' style level to create two additional 6 bed HMOs. This follows the earlier conversion of the first and second floors to a total of 4 flats, each containing 6 bedrooms (Use Class C3). Should these be intended for multiple occupation then a separate planning application for a change of use will be required.

Local Plan Policy H6 for Houses in Multiple Occupation states that planning permission will be granted for Houses in Multiple Occupation where:

- a) the proportion of dwelling units in multiple occupation (including the proposal) within a 100 metre radius of the application site does not exceed 10% of total dwelling units;
- b) the application site is within 400 metres walking distance of a bus stop;
- c) the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMOs;
- d) the proposal does not lead to a continuous frontage of 3 or more HMOs; and
- e) adequate provision is made for the storage of refuse containers whereby - the containers are not visible from an area accessible by the general public, and the containers can be moved to the collection point along an external route only.

Having undertaken the relevant calculation it is confirmed that the proportion of dwelling units in multiple occupation within a 100m radius of the application site is 12.3%. The proposed development would increase this to 13.1%. The property is located within 400 metres of two bus stops, does not lead to

sandwiching of a non HMO property between two HMOs and does not lead to a continuous frontage of 3 or more HMOs.

Where proposals exceed the 10% ratio, Policy H6 allows for exceptions where the site is on a main thoroughfare in a mixed use area where the proposal would not lead to an increase in activity along nearby residential streets. As the site is located on a main thoroughfare within a mixed use part of the town centre, the proposal accords with the exception test and as such is considered acceptable.

The application property has a private rear amenity area which is where the refuse bins are to be located. The bins could then be brought out to Bedford Street for collection. The property is already serviced with a grey bin and alternative week collections, which will not change.

In conclusion, the principle of the development is considered to be acceptable and conforms with the NPPF and Policy H6.

In considering this current proposal alongside the previous approvals for residential uses on the upper floors, I am satisfied that the creation of an additional floor containing two additional units be acceptable in principle.

#### Impact on character and appearance of surrounding area and the Royal Leamington Spa Conservation Area

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

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

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.

Warwick District Local Plan Policy HE2 (protection of conservation areas) states development will be expected to respect the setting of conservation areas and important views both in and out of them.

It is noted that the current building is not a particularly attractive feature within the Conservation Area and the size, scale and external appearance makes the building a prominent feature in the local area and street scene. These factors together with the vacant nature of the building diminish the character of the local area, street scene and Conservation Area in this location.

In assessing the previous approval under reference W/17/1822, the introduction of the refreshed ground floor retail unit together with new fenestration to the exterior of the building was considered to enhance the appearance compared to the existing situation and by bringing the building back into a practical use, it

would improve the overall visual appearance of the site in the street scene and Conservation Area in this location.

The introduction of a 'penthouse' level to the existing flat roof would add a feature to the flat roof area. The objection raised by CAF is noted. The proposal has been amended to create a set back from the edges of the existing roof and additional glazing has been added to create a lightweight structure under a flat roof that complements the solid character of the existing host building. Similar examples of this type of addition are found in other parts of the Conservation Area. By setting it back from the perimeter of the existing roof, the public views are limited. However, Officers are satisfied that the design and appearance of the building in this location sits comfortably within the existing roofscape of adjacent buildings and does not result in an overbearing feature at roof level within the local street scene.

Subject to the submission of Large Scale Details of the new windows together with details of materials, the appearance is considered acceptable.

#### Impact on the adjacent Listed Buildings

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

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Warwick District Local Plan Policy HE1 (protection of statutory heritage assets) states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

The application site lies adjacent to a pair of Listed Buildings. The existing building on the site already dominates the setting of the adjacent buildings. It is considered that the use of a lightweight structure on the roof of the existing building, set in from the perimeter of the building would not result in any additional harm to the setting of these buildings than that which currently exists.

On this basis, Officers are satisfied that the development would not result in any additional harm to the Listed Buildings.

#### Impact on adjacent properties

The development proposes new openings to serve the flats at upper floor. In this location, it is considered that the proposal would not have any harmful impact on the amenity of neighbouring properties.

#### Whether the proposal would provide adequate living conditions for future occupiers



The proposal is in a mixed use area with a variety of different uses. Within the previous submission, the Environmental Protection Officer raised some concern regarding the potential for the adjacent uses to have a detrimental impact on the occupiers of the proposed development.

In responding to this request, the agent provided noise survey information about how the scheme will be insulated against external noise including new extraction equipment proposed on the adjacent site (44-46 Parade) approximately 10 metres from the site. That proposal included a noise survey for the proposed extraction system and this has been taken into consideration with the noise survey submitted. On the basis of the noise report and mitigation measures proposed, it is appropriate to condition that this proposal be carried out in accordance with the mitigation works set out within the report.

It is also noted that the site is within a town centre location with its many night time activities including takeaways and licensed premises. With any town centre living on upper floors, it is a common feature to be close to such uses. In taking this into account, the scheme has been designed to meet the noise standards contained within the British Standards Guidance.

Officers are therefore satisfied that the new third floor residential use would not be unduly harmed by adjacent uses.

The plans indicate that all bedrooms of the HMOs would have a source of light from an external window of the building, set back a sufficient distance from adjacent structures to allow an acceptable level of outlook for all future occupiers. The living space would also benefit from adequate light levels and outlook. The use of high levels of glazing also ensures that the scheme will benefit from adequate light and amenity levels.

#### Access and Parking

The application site does not benefit from any off street parking provision. Being sited within the town centre, there are good links to public transport with the site being in close proximity of local bus stops and walking distance of the nearby Leamington Spa railway station, offering potential occupiers of the site a choice of sustainable transport modes to the private car.

The provision of an additional 2 6 bed HMOs in this location has been assessed by the County Highways Officer and it is noted that site has permission for the conversion of the existing upper floors to a total of 4 x six bedroom flats. According to the development proposals, parking shall not be provided for the proposed flats.

Whilst the nearby streets of Warwick Street and Bedford Street are not located within a Residents' Parking Zone (RPZ), future occupants would not be entitled to resident parking permits to park in this area. However, the County Highways Officer has advised that the site would benefit from the ability to apply for permits relating to the L0 Residents Parking Zone which is a general parking zone on the periphery of the town centre. There is already a high level of demand within this parking zone and the additional units would put further pressure on limited parking availability. On this basis, a Unilateral Undertaking

has been requested to amend the Traffic Regulation Order for the property to omit it from the residents parking scheme, effectively making it a car free development.

Cycle storage is shown within the rear courtyard area, which can be secured by condition.

On the basis of the above, it is considered that subject to the submission of a Unilateral Undertaking to amend the Traffic Regulation Order to restrict the occupants applying for permits, the scheme would not be detrimental to highway safety or residential amenity by reason of parking stress.

### Ecology

The County Ecologist has raised no objection to the proposed development subject to the imposition of ecological advisory notes.

### Open Space

The proposal has been considered by the Open Space Team who have requested a contribution towards improvements to existing areas of open space within the town within a 500 metre radius of the site to mitigate for the additional potential pressure on open space as a result of this development. This can be secured by condition.

### **Conclusion**

The principle of development for the creation of 2 additional flats would be acceptable in accordance with Policy H6 of the Warwick Local Plan.

It is considered that the proposal does not result in harm to the amenity of the character of the area, Conservation Area and the amenity of neighbouring properties. It is also considered that, subject to the submission of a Unilateral Undertaking, the proposal would not result in harm to parking standards within the local area. Appropriate living standards for future occupants would be acceptable and the impact on local facilities can be mitigated through an open space contribution.

Subject to conditions to ensure appropriate living standards for future occupants and appropriate design standards for the external appearance the scheme is acceptable and permission should be 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 drawing(s) 5178/20C, 5178/21C, 5178/22C, 5178/23C, 5178/24C, 5178/25C, 5178/26C, 5178/27C, 5178/28C and 5178/29C

and specification contained therein, submitted on 22 September 2017.  
**REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 No development shall be carried out on the site which is the subject of this permission, until large scale details of the proposed glazed structure (including windows and 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.
- 4 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall 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.
- 5 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029:
  - (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and
  - (ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented in strict accordance with the approved details.

**REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy HS4 of the Warwick District Plan 2011-2029.
- 6 The development hereby permitted shall proceed only in strict accordance with the recommendations of the submitted noise assessment and associated mitigation works. Internal noise levels for the proposed residential property must meet the 'Good' criteria set out in British Standard 8233 'Sound Insulation and Noise Reduction for Buildings' and any mitigation measures that are required to achieve this shall be installed and retained in perpetuity. Prior to the first

occupation of the building any necessary mitigation measures shall have been implemented in full accordance with the recommendations of the noise assessment and thereafter shall not be removed or altered in any way. **REASON:** To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 7 The development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development in accordance with the approved details and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. No bins shall be left or stored in any other location other than on collection day. **REASON:** To ensure appropriate living conditions for future occupiers in accordance with BE1 and BE3 of the Warwick Local Plan 2011-2029.
  
- 8 The development hereby permitted shall not be occupied unless and until the identified cycle storage area for the development has been constructed or laid out, and made available for use by the occupants of the development in accordance with the approved details and thereafter those areas shall be kept available for use associated with the development. **REASON:** In the interest of sustainable development in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

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**Planning Committee:** 27 March 2018

**Item Number:** 9

**Application No:** W 17 / 2415

**Town/Parish Council:** Hatton  
**Case Officer:** Dan Charles  
01926 456527 dan.charles@warwickdc.gov.uk

**Registration Date:** 22/12/17  
**Expiry Date:** 23/03/18

**Land On The North Side of Birmingham Road, Hatton**

Full planning application for construction of 150no. dwellings (Class C3); a new vehicular access from Birmingham Road; a new temporary access for sales and construction from Birmingham Road; associated drainage and infrastructure; public open space; landscaping and all other ancillary and enabling works FOR Taylor Wimpey UK Ltd; Mr John Stuart Burman; Mr David Ian Burman; Mr Dennis Keit

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

**RECOMMENDATION**

That Members delegate authority to Planning Officers to grant planning permission, subject to the submission of an acceptable Archaeological Survey and the signing of a Section 106 Agreement to secure contributions as detailed within the report.

**DETAILS OF THE DEVELOPMENT**

This is a full application for the erection of 150 dwellings comprising 90 open market and 60 affordable housing units varying between 1 and 5 bedrooms (max 4 bedroom for the affordable housing element); Creation of new vehicular access from Birmingham Road together with a temporary access for sales and construction vehicles, Provision of all associated drainage, infrastructure, public open space, landscaping.

Applicant's Summary

The application site is allocated within the Local Plan (allocation H28) for 150 dwellings. The proposed development is considered to deliver the following benefits to the surrounding area:

- An additional 150 new dwellings within Hatton Park on an allocated site to be delivered in line with the housing trajectory of the Local Plan;
- Provision of 40% on-site affordable dwellings – equating to the provision of 60 affordable dwellings on the site;
- Improved housing choice within the local market by providing additional one, two, three, four and five-bedroom dwellings;

- Additional residents who will provide support for existing services and facilities within Hatton Park and its surrounding environs;
- Provision of a high-quality, modern and sustainable development and associated amenity space which represents an appropriate response to the character of the site and the wider area;
- Provision of features of biodiversity value within the design of the proposed development;
- Provision of a 3 metre wide ecological buffer along the western boundary to encourage and provide foraging habitat for local fauna;
- Provision for an additional 2.24 hectares of public open space to include a Locally Equipped Area of Play;
- Improved potential for connectivity through to the existing Hatton Park estate with a pedestrian linkage proposed through to Ebrington Drive;
- Provision of financial contributions towards services and facilities within the local proximity of Hatton Park to include contributions towards education

There are no technical or environmental constraints to the development of the site as has been demonstrated by the supporting technical reports. The applicant has engaged and worked proactively with the local planning authority and local highways authority to ensure the scheme is available and deliverable. The applicant has also engaged with the local community and relevant Stakeholders prior to the submission of the full application and during the application process to address concerns throughout the application's progression.

### *Housing Mix*

#### Private Housing

Size	Total Units	Percentage
1 Bedroom	4	5%
2 Bedroom	27	30%
3 Bedroom	34	38%
4 Bedroom	15	17%
5 Bedroom	10	12%

#### Affordable Housing

1 Bedroom	8	13%
2 Bedroom	32	53%
3 Bedroom	18	30%
4 Bedroom	2	3%

## **THE SITE AND ITS LOCATION**

The application site forms allocated site H28 as set out in Policy DS11 of the Local Plan 2011-2029 and as illustrated on the Policies Map. It is therefore allocated for housing development and associated infrastructure and uses, with an estimated figure for the number of dwellings stated as 150.

The site is currently agricultural fields laid to crops.

The proposal is flanked by the Birmingham Road to the south, the existing residential development to the east with open countryside to the east beyond Ugly Bridge Road. To the north lies an area of woodland known as Smiths Covert that bounds the site. An area of residential development sweeps around the top of Smiths Covert and to the north east of the application site.

Overall the site is approximately 7.5 hectares. The land rises from the public highway to the south towards Smiths Covert to the north. This topography is similar to the existing residential development to the east of the site.

## **PLANNING HISTORY**

No previous planning history.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029)
- DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029)
- TR3 - Transport Improvements (Warwick District Local Plan 2011-2029)
- TR4 - Parking (Warwick District Local Plan 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)

- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE4 - Protecting Historic Parks and Gardens (Warwick District Local Plan 2011-2029)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- W1 - Waste Core Strategy (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Warwickshire Landscape Guidelines SPG
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Vehicle Parking Standards (Supplementary Planning Document)
- LES - Low Emission Strategy Guidance for Developers (April 2014)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)

## **SUMMARY OF REPRESENTATIONS**

**Hatton Parish Council:** No objection to the principle of development nor housing mix or design and the use of bungalows is welcomed, however, raise objections on the following grounds:

- Access - Increased traffic movements will cause delays and result in unacceptable noise and air pollution. Lack of pedestrian and cycle connectivity to local facilities.
- Open Space - 3 metre wide ecological corridor to western boundary insufficient for maintenance. There is no reason the scheme could not be moved towards the eastern boundary to allow this corridor to be increased. Area to north should be maximised.
- Sustainability - No reason not to install solar panels to all dwellings where it is feasible.
- Infrastructure - Concern over the additional burden on services.



The site cannot be assessed in isolation and measures to mitigate impact should be considered in conjunction with other housing developments.

**WCC Highways:** No objection, subject to conditions, notes and Section 106 contributions towards highway improvements.

**WCC Fire and Rescue:** No objection, subject to a condition requiring appropriate water supplies to be provided.

**WCC Flood Risk Management:** No objection, subject to conditions.

**WDC Contract Services - Waste Management:** No objection

**WCC Ecology:** No objection, subject to conditions, notes and Section 106 contribution towards biodiversity offsetting.

**WCC Landscape:** Concern over the landscaping scheme proposed. Recommend changes to species included within the scheme.

**Warwickshire Wildlife Trust:** Object to removal of excessive amount of central hedgerow. Biodiversity offsetting required. Hedgehog habitats should be incorporated. Recommend gully pots contain amphibian ladders.

**WDC Housing Strategy Team:** Housing Strategy expects the amount of affordable housing on the proposed development to comply with Policy H2 and welcomes the applicant's commitment to provide this.

**WCC Infrastructure:** Request contributions towards education, libraries, sustainable travel packs and bus stop improvements.

**Warwickshire Police Architectural Liaison Officer:** Recommend development constructed in accordance with Secure By Design standards.

**Warwickshire Police Infrastructure:** Request S106 contributions towards additional policing requirements as a result of the development.

**South Warwickshire NHS Trust:** Request S106 contributions towards NHS improvements.

**Public Health:** Recommend scheme accords with Building for Life 12 to ensure scheme promoted healthy, active and sustainable communities.

**WDC Environmental Health:** Require additional information for noise report to overcome issues raised. Recommend conditions for Low Emissions Strategy, contaminated land survey and Construction Management Plan. Also request S106 contributions towards Type 3 Mitigation Air Quality Improvements.

**Public Response:** A total of 58 letters of objection received making the following comments;

- Overdevelopment of the site.
- Infrastructure will not support this level of housing.

- Traffic on Birmingham Road already not acceptable and results in regular queuing and congestion.
- Lack of school and doctors places.
- Damaging to character of the area.
- Harm to environment through increased vehicle emissions/pollution.
- Loss of rural aspect.
- Loss of Green Belt land.
- Lack of link to adjacent development will result in isolated development through poor connectivity.
- Additional noise pollution.
- New access onto Birmingham Road is not appropriate.
- Loss of light, overlooking and overshadowing to neighbouring properties.
- Should focus new development on brownfield land first.
- Loss of natural habitats and harm to wildlife.
- Over-reliance on surface water drainage and run off could result in increased flooding issues.
- Development too dense and out of character with the area.
- Ecology corridor proposed is inadequate.
- Harm to woodland wildlife.
- Preferable to provide access from Ebrington Drive or adjacent driveway to east.
- Loss of trees.
- Lack of appropriate level of parking.
- Application contains inaccurate information.

**Letter from adjacent Land Owner - AC Lloyd:** AC Lloyd control the land at the end of Ebrington Drive and have confirmed their commitment to enter into discussions with the applicant for the provision of an appropriate link between the developments.

## **ASSESSMENT**

### Principle of Development

#### *NPPF*

Paragraph 49 of the NPPF states that housing applications should be considered with a presumption in favour of sustainable development.

When assessing what is sustainable development in the context of the NPPF, there are three strands of assessment for sustainable development; An Economic Role, a Social Role and an Environmental Role.

The development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities.

Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs. The proposal would provide 40% affordable housing on the site which can be secured through a Section 106 agreement.

Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, provision of open spaces, sustainable drainage measures and new footpath links. The site is sustainably located adjacent to the built up area of Hatton and will be closely integrated into the existing settlement. It is therefore concluded that the development represents sustainable development by satisfying the three dimensions.

#### *Warwick District Local Plan*

The application site is identified within the Warwick District Local Plan 2011-2029 as a site suitable for new housing development within the growth village envelope of Hatton Park. The land is defined as the H28 allocation which is formed of two different land parcels separated by a hedgerow running from east to west across the site.

The allocation identified a scheme of up to 150 dwellings on the site and the scheme brought forward details a scheme of 150 dwellings. Officers are therefore satisfied that this is in accordance with the Local Plan.

The adopted Local Plan is the most up to date evidence base for the allocation of new housing land and this site forms part of the strategic expansion of Warwick and Leamington as defined within Policy H1.

Officers are satisfied that the proposed development is in accordance with the Warwick District Local Plan 2011-2029.

#### Housing Mix

Policy H4 of the Warwick District Local Plan requires new housing development to provide a mix of housing that contributes towards a balance of house types and sizes across the District. In assessing the housing mix, Policy H4 seeks development to be provided in accordance with the mix of housing as set out in the Strategic Housing Market Assessment (SHMA).

The proposed mix of market dwellings on the site represents an appropriate level of 1 and 2 bedroom homes in line with the SHMA requirements. A slightly lower proportion of 3 bedroom properties are proposed and this results in a higher ratio of 4 and 5 bedroom homes proposed. In this location, the SHMA identifies that there is a higher level of need identified for larger homes with four- or more bedrooms based on the demographic modelling of Warwick District.

In terms of the affordable housing mix, the sizes range from one to four bedroom units of varying tenures. The Council's Housing Strategy and Development Officer is satisfied that the size of the affordable units proposed across the site is acceptable and no objection is raised to this mix.

Officers have considered the recommendations of the SHMA and the site in the context of the local area and consider that the mix of housing would be appropriate for the area in terms of the general character and distribution of housing.

### Impact on visual amenity and the character of surrounding area

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.

Since this is a full planning application, comprehensive details have been provided in respect of the layout and visual appearance of the proposed dwellings.

The application site is currently a pair of agricultural fields laid to crops. The fields are separated by an existing mature hedgerow. The boundaries of the site are a mixture of mature hedgerows along the roadside elevation and the boundary with Ugly Bridge Road. Adjacent to the Hatton Park housing estate, the boundaries are currently formed by a combination of hedgerows and fencing constructed as part of the development of the adjacent land.

The site has been designed to follow the Inspectors report on the Local Plan that stated the site "adjoins existing residential development to the west and is bounded to the south by the A4177 and vegetation along the roadside. Smith's Covert is a substantial area of woodland enclosing the site to the north and Ugly Bridge Road and the significant line of trees and other vegetation associated with it runs down the eastern boundary. The site could be suitably accessed and the layout and design of development would be able to accommodate significant additional landscaping and provide adequate buffers to Smith's Covert and Ugly Bridge Road and address other detailed matters."

The proposed dwellings would be predominantly 2 storey in height to reflect the local context. Bungalows are also proposed within the site to provide a balanced mix of housing options within the site. Active frontages are proposed onto all public areas to create visual interest and increase surveillance. This also provides a softer edge to the development within its rural setting.

With regard to visual appearance, the proposals aim to reflect the traditional 'Warwickshire' architectural style and take inspiration from other buildings in and around the local area. Facades would be predominantly high quality brickwork to add aesthetic value and signify key locations together with the use of render to provide a mixture of finishes.

A mix of hard landscaping is proposed through the development, with changes in surfacing mixed with soft landscaping around the perimeter of the site as well as internally across the site.

All of these features are considered in keeping with the established pattern of development in the area and accordingly, it is concluded that the proposals would have an acceptable impact on the character and appearance of the area and as such would comply with Policy BE1 of the Local Plan.

The proposed development has been amended following the concerns raised by the Landscape Officer at Warwickshire County Council. The key elements related to the assessment of the site, the loss of an excessive amount of hedgerow for

the access road to connect the two parcels of land, inappropriate tree species, lack of tree planting in landscape buffers together with comments regarding the wider landscaping proposals across the site.

The revised plans have sought to address the objections of the Landscape Officer with additional planting proposed and revisions made to the areas of landscaping.

The overall development provides a proposal with close links to the Hatton Park development to the East whilst providing a green buffer to the north, east and part of the south boundaries to provide a transition from built form to open countryside beyond.

Tree works are required on the site boundary to the road to facilitate the access works and this will result in the removal of some roadside trees. However, these are to be replaced with new species within the site to mitigate the loss.

### Site Connectivity

The proposed site layout has been configured with a single access point off the Birmingham Road following an assessment of the options available. The use of a singular access provides appropriate access into the development and does not create a through route and potentially a 'rat run' through the scheme into the adjacent residential development.

A pedestrian link is indicated to the north east of the application site to connect the site to the footpath leading to the existing residential development located in this area. This will increase connectivity for pedestrians with the dwellings located to the north east of the application site.

The revised layout plan also indicates a potential pedestrian link to Ebrington Drive. However, this land forms part of a ransom strip owned by a third party but can be subject to negotiation to facilitate access through the entire development creating a sense of permeability and connectivity.

Having sought legal advice on this matter, the most appropriate method to secure the link would be through a Grampian-style condition to secure the access provision prior to first occupation of any of the dwellings. The exact wording of the condition is currently being discussed with Legal Officers and the wording will be provided within the update report to Committee.

In justifying the use of a Grampian condition, Officers consider that when the original site was allocated within the Local Plan it was always the intention to be read in conjunction with the adjacent housing development and connectivity through the site was a key factor in providing a cohesive form of development for the area. The adjacent development contains many of the village amenities so providing an appropriate and convenient access to these facilities by pedestrians/cyclists and so an appropriate link into the site is considered to be a defining factor in providing a truly connected form of development.

Paragraph 69 of the NPPF refers to promoting healthy communities and also seeks to ensure that proposals are "safe and accessible developments,

containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas."

The adjacent land owner has formally written to the Local Planning Authority expressing their commitment to enter into discussions with the applicants in order to facilitate the creation of an appropriate link between the sites.

### Impact on living conditions

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.

#### *Amenity of Existing Properties*

The application site lies adjacent to an existing development. The properties immediately adjacent to the site that share a common boundary are the properties at 1-17 and 23 Tidmington Close and 2-18 Combroke Grove.

Nos. 7-17 Tidmington Close would have a rear to rear relationship with the proposed development properties. In terms of separation, the wall to wall distances along this row would be 33 metres which greatly exceeds the required standard of 22 metres.

No.1 Tidmington Close would have a side to rear relationship with a separation of 16 metres where the minimum requirement is 12 metres.

No 3 Tidmington Close has an offset relationship with Plot 22 with a separation distance of 10 metres. There would be no direct facing walls/windows. In this respect, Officers consider that the proposal would not have a detrimental impact on the amenity of the occupiers of this property. The proposed dwelling would be within the 45 degree line drawn from the neighbouring property but as this distance exceeds 8 metres, it is considered acceptable.

Nos. 2-12 Combroke Grove would have back to back relationship with the new development. The minimum distance between these properties would be 23 metres rising to 28 metres. All of these distances exceed the required standards.

No.16 Combroke Grove would have a side to rear relationship with a separation distance of 16 metres which exceeds the required standard of 12 metres.

No.18 Combroke Grove would share an offset side to side relationship with Plot 130. Whilst there is no specific minimum distance requirement for side to side relationships, Officers have assessed the proposed relationship and are satisfied that due to the separation distance of approximately 7 metres and the intervening mature hedgerow, the proposal would not have a harmful impact on the amenity of the occupiers of the existing property.

Issues of construction noise and construction traffic can be mitigated through a condition to require the submission of a Construction Management Plan. This would ensure that adequate controls are put in place to address these issues.

### *Amenity of Future Occupiers*

The scheme has been designed with a predominant character of side to side relationships where no minimum separation is stipulated. Notwithstanding this, the plots have been designed to provide good distances between dwellings to create an acceptable form of development for future occupiers.

Where properties share a side to side or side to rear relationship, all required separation distances are met or exceeded to ensure an acceptable form of development.

All plots have adequate amenity space that exceeds the standards set out within the Draft Residential Design Guide SPD for amenity space standards.

Overall, Officers are satisfied that the proposed scheme can be satisfactorily accommodated on the site without resulting in any demonstrable harm to the amenity of neighbouring properties. The scheme will also provide acceptable living standards for the future occupants of the site.

### *Noise Impact*

The frontage of the site is onto the Birmingham Road, which is a busy 'A' Class Road. The application has been submitted with a Noise Assessment that has been considered and Environmental Health have raised some concerns regarding mitigation for future occupiers. An updated Noise Assessment to demonstrate how the scheme has been designed to meet the requirements of BS8233: 2014 and World Health Organisation Guidelines is being prepared by the applicants and the results of this survey together with the District Environmental Protection Officer's response will be reported within the update sheet.

### Highway Safety

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

The proposal has been assessed by the County Highways Officer and additional information sought during the consultation process.

The developer has submitted a significant amount of documentation in support of the application. The first consideration is the existing traffic situation on the A4133 and the current levels of concern over congestion and the ability of the road network to cater for the development generated traffic movements.

The Highway Authority is proposing a scheme of improvement at the A4133/A46 Stanks junction, the estimated cost of which is in the region of £6,000,000. Whilst the developer's Transport Assessment does not include an assessment of the development's impact upon the Stanks junction, the scheme proposed includes for traffic from the allocated sites in the vicinity which are considered to impact upon the junction, and will therefore provide adequate capacity to enable

the development to proceed without any adverse effect on the Highway Network.

Whilst no assessment has been included within the submitted documents, it has been identified during consideration of the improvement works at the Stanks junction that traffic from this development will impact at this location. This is also confirmed by the trip distribution information contained in the Transport Assessment. Therefore a contribution to these works will be required which will need to be negotiated with the developer should Planning Permission be granted as part of the Section 106 Agreement for the development.

In considering the form of access into the development, the developer has submitted a technical note 2056/02-18/574 which considers the options for access.

In assessing the location of the access, an alternative option of access from Ebrington Drive was considered.

Firstly, an access from Ebrington Drive would exceed the Highway Authority's limit of 200 units from a single access point which would require a second access point to meet the Highway Authority's limit. This would potentially lead to capacity issues at the existing roundabout junction of Charingworth Drive and Birmingham Road.

The technical note further concludes that a direct access from the A4177 which complies fully with the relevant design standards can be achieved and the Highway Authority is satisfied that this sufficiently demonstrates that the proposed access to the site is the most suitable.

The Transport Assessment includes an analysis of the proposed access which demonstrates that with the mitigation scheme at the Stanks junction, the site access will operate within capacity and will not be detrimental to the operation of the Highway Network.

Further analysis of the proposed junction has been undertaken through a Stage 1 Road Safety Audit of the access proposal, reference 20586/01-18/5649. The Audit has identified some minor issues that can be dealt with during the detailed design process under Section 278 of the Highways Act and therefore it will not be necessary to consider them further at this stage.

The site layout has been assessed, the proposal providing the required number of parking spaces for each dwelling in accordance with the parking standards. The proposed road system has been the subject of a swept path analysis for the largest refuse vehicle and complies with the requirements of the Highway Authority for adoption, subject to entering into the relevant adoption agreement under Section 38 of the Highways Act.

Finally, objectors have raised concerns over the dates of Traffic Surveys, the suitability of other information contained in the Transport Assessment and accident statistics for the nearby network.



The majority of the survey data used in the preparation of the report was undertaken by Warwickshire County Council as part of our Strategic Network Assessment and local count data taken in connection with the proposed improvement works at the Stanks junction.

A further speed survey carried out by the developers consultants on 5th - 11th July in order to determine the required visibility splay at the site access. These results are not dependant on traffic flows and are therefore acceptable.

The 2011 Census data used to determine trip distribution is the most current data available and is therefore acceptable for use in such cases. The Highway Authority has no reason to doubt this information and it is used nationally to determine vehicle movements.

The accident information included within the Transport Assessment is current and demonstrates that there are no underlying issues with the highway at this location and that the development will not significantly affect Highway Safety. The Road Safety Audit further confirms that a safe access can be achieved.

#### Impact on Ecology/Protected Species

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

The proposed development has been submitted with an Ecological Impact Assessment. This has been assessed by the County Ecology Team who have raised no objection to the proposal subject to the completion of a Biodiversity Impact Assessment and any associated offsetting to be secured through a Section 106 Agreement. In addition, conditions have been requested for tree protection to be submitted together with the submission of a Construction and Environmental Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP).

The applicants have provided the CEMP and LEMP to the County Ecologists to avoid the need for a pre-commencement condition. These documents have been considered by the County Ecologist and considered acceptable. The content of the CEMP and LEMP can be secured through appropriate conditions.

Overall, Officers are satisfied that the Ecological Impacts of the development have been satisfactorily mitigated by conditions and Section 106 contributions.

#### Drainage and flood risk

Although the site is in Flood Zone 1, a Flood Risk Assessment has been submitted with the application due to the site area. The Lead Local Flood Authority has confirmed there is no objection to the development, subject to conditions requiring the development to be in accordance with the submitted drainage strategy to deal with surface water as well. Subject to these conditions there is no objection from a drainage and flood risk point of view and the development is therefore considered to be acceptable in this regard.

## Trees/Hedgerows

The application site is formed by two parcels of land that are defined by a hedgerow that separates the land parcels. The proposal requires the removal of a section of the hedge to facilitate the vehicular access to the rear element of the site. Following concerns from the Landscape Officer, the area of hedgerow to be removed has been reduced to the minimum required to facilitate access through the site. In order to mitigate the loss of the hedgerow, additional tree planting is proposed to the area to offset the loss. This can be secured by condition.

Across the site, the hedgerows are to be retained and supplemented where required. Tree planting is also proposed across the site to ensure that there is a net gain of tree species as a result of the development and to provide a well landscaped scheme.

The site has been submitted with an Arboricultural Survey and Impact Assessment that includes a range of proposed methodologies for works near trees. These details can be secured by condition. Additionally a tree protection condition is sought to ensure trees and hedgerows to be retained are not harmed by the development.

Officers are satisfied that the proposed development would not have a harmful impact on trees and hedgerows across the site.

## Archaeology

The application was submitted with a desk-based archaeological survey supplemented with a geo-physical survey of the site. The County Archaeologist has considered the submitted information and has requested that further works in the form of trial trenching to be carried out prior to the determination of the application.

At the current time, the site is laid to crops and the provision of trial trenching across the site cannot be carried out. However, the applicants are aware of the requirement to carry out the survey work.

In order to ensure that the site delivery is carried out in a timely manner on this allocated site, it is considered that in this case, due to the specific circumstances on the application site, a recommendation is made on the application that permission be delegated to officers following the submission and approval of an appropriate report following the scheme of trial trenching being carried out on the site. Should this not be forthcoming, the application would be referred back to planning committee for re-consideration.

## Air Quality

Warwick District Council has adopted air quality planning guidance as an addendum to the air quality action plan. The District Environmental Protection

Officer has considered the submitted information and recommended a condition requiring the applicant to produce a Low Emission Strategy in compliance with the Air Quality guidance and submit the proposal for approval prior to commencement of the development.

The Low Emission Strategy Guidance 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. Under the guidance the above development is classified as a medium scheme because it required a transport assessment, as such the developer is required to provide Type 1 and 2 mitigation from the guidance. The guidance states that electric vehicle (EV) recharging provision for each house with dedicated parking is expected and also sets out a range of locally specific measures to be used to minimise and/or offset the emissions from new development, however these are suggestions and other innovative ideas are also encouraged. This will be secured by condition.

The applicant's air quality assessment has predicted a significant adverse effect on air quality in the absence of mitigation. As such applicant must also provide Type 3 mitigation. This includes the calculation of the damage costs of the proposed scheme to enable the assessment of the scale and kind of mitigation or compensation that is required to make the scheme acceptable. Type 3 mitigation will be secured through a S106 agreement.

#### Contaminated Land

The proposal has been submitted with a Contaminated Land Assessment. This has been considered by the District Environmental Protection Officer who has recommended that further investigation is carried out due to the submitted reports identifying areas of potential pollutant leakages. This detail can be secured by the use of a pre-commencement condition.

#### Public Open Space

The site contains approximately 2.24 hectares proposed to be used as public open space including the provision of a Local Equipped Area of Play located centrally within the site. The exact type of open space is to be negotiated with the Open Space team and any additional requirements will be subject to an off-site contribution that will be secured through the Section 106 Agreement.

The proposal does not contain any areas designated as allotments. The Open Space Officer has advised that there is local need for allotments. In this respect, it is appropriate to incorporate this into the additional open space contribution.

Officers note from the supporting information that the open space areas are to be privately managed. The Open Space team has advised that the existing Hatton Park development is managed by Warwick District Council and suggested for consistency, it may be appropriate to continue this. This would be subject to separate notification together with a commuted sum within the Section 106 process.

#### Health and Well-being

The proposals would provide housing to meet the housing needs of the district, including an element of affordable housing for people in housing need. This is a benefit that contributes to health and well-being. Additionally, the proposed open space and play facilities within the development are positive benefits that would add to the effective layout of the scheme and provide an enhanced environment in which to live for future occupiers.

The applicant has agreed to enter into a section 106 agreement to secure the following:

### Contributions

- provision of 60no. units of affordable housing (40% of the total units proposed);
- a contribution of £540,000 towards strategic highway infrastructure and measures to improve walking and cycling;
- a contribution of £1,116,208 towards Education and Learning.
- a contribution of £3,283 towards Library and Information Services.
- a contribution of £11,250 towards sustainability packs;
- a contribution of £10,683 towards outdoor sports facilities;
- a contribution of £133,530 towards indoor sports facilities;
- a contribution of £218,255 towards Biodiversity Offsetting.
- a contribution of £172,627.70 towards acute and community healthcare (hospitals)
- a contribution of £32,639 towards policing.
- monitoring fee - £30,000 or 1% of the total contributions, whichever is lower
- a contribution towards public open space and commuted sum towards maintenance (if adopted by WDC) (final figure to be confirmed and reported via the update sheet to committee);
- a contribution towards improvements to public rights of way within a 1.5 mile radius of the development site (final figure to be confirmed and reported via the update sheet to committee)
- a contribution towards improvements to the Stanks Island improvement works. (final figure to be confirmed and reported via the update sheet to committee)
- a contribution towards Type 3 Mitigation/Compensation Works for Air Quality.
- maintenance of on-site drainage areas.

The proposed financial contributions are in accordance with the requests from the various consultees in relation to the relevant services. It is considered that these contributions will appropriately mitigate the impact of the development on these services.

The development is also liable for payments under the Community Infrastructure Levy (CIL) and this will be calculated accordingly if planning permission is granted. To ensure that no CIL payments overlap with the required Section 106 Contributions, the legal agreement will be subject to clauses to prevent and double payments.

### **Conclusion**

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

The proposals would ensure appropriate levels of amenity for neighbouring dwellings whilst also providing positive and suitable living conditions for future occupants. The proposals would have a positive impact on the character and appearance of the area. Additionally, the proposals are considered to be acceptable in terms of car parking and highway safety. Furthermore the proposals are considered to be acceptable in ecological terms and there are a number of necessary and relevant conditions recommended in the event permission is forthcoming which would ensure that any possible impacts of the development are adequately mitigated.

The proposal is considered to require further archaeological investigation and this shall be carried out prior to the determination of the application subject to the agreement

Overall, the development is considered to accord with all relevant provisions of the Development Plan and for these reasons, it is therefore recommended that planning permission be 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 drawing(s)

### Scheme Plans

- 1562-07, 20142-TP-01, 20142-EP-01, 20142-MP-01, and specification contained therein, submitted on 22 December 2017.
- 1562-01a (Sheet 1 of 6), 1562-02a (Sheet 2 of 6), 1562-03a (Sheet 3 of 6), 1562-05a (Sheet 5 of 6), and specification contained therein, submitted on 15 February 2018
- 20142-PL-01D, 10-01 P5, 10-03-01 P5 (Sheet 1 of 2), 10-03-02 P5 (Sheet 2 of 2), 10-04 P6, 10-05-01 P6, 10-05-02 P6, 10-05-03 P3, 10-06 P5, 10-07 P5, 10-08-01 P3, 10-08-02 P3, 10-09 P5, 10-10 P5, 1562-04b (Sheet 4 of 6) and 1562-06b (Sheet 6 of 6), and specification contained therein, submitted on 15 March 2018.

### House Type Plans

BU2 - Bungalow 2, KE - Keydale, KE - Keydale Coloured, KE - Keydale Special Coloured, NA21 - Beauford, NA32 - Byford, NA46 Ransford (Bir Rd), NA46 Ransford Elevations, NA46 - Ransford Plans, NA47 - Stanford Elevations, NA47 - Standford Plans, NB52 - Rushton Elevations, NB52 -

Rushton Plans, NB52 Rushton Special Elevations, NB52 - Rushton Special Plans, AA11, AA24 - Type A, AA32 - Type B, AA42 - Type C, DE - Devonford Elevations, DE - Devonford Plans, DE - Devonford Plans Special PA25 - Canford, PA25 - Canford Special, PA34 - Gosford, PD51 - Lavenham Elevations, PD51 - Lavenham Plans, PT45 - Teasdale (Bir Rd) Elevations, PT45 - Teasdale Elevations, PT45 - Teasdale Plans, 20142 - Double Garage, 20142 - Double Shared Garage, 20142 - Single Garage and specification contained therein, submitted on 22 December 2017.

**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 details of tree and hedgerow protection measures have been submitted to and approved in writing by the Local Planning Authority. Thereafter, prior to the commencement of any on site works, the approved scheme shall be put into place in full accordance with the approved details and shall remain in place for the full duration of any such construction work . In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or 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 (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for:

- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate;
- wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway;
- Dust management and suppression measures - level of mitigation

- determined using IAQM guidance
- a scheme for recycling / disposing of waste resulting from demolition and construction works.
- Any temporary measures required to manage traffic during construction
- Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction
- Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites - Part 1 and 2
- Concrete crusher if required or alternative procedure
- Delivery times and site working hours
- Site lighting
- Access and protection arrangements around the site for pedestrians, cyclists and other road users
- Restrictions on burning and details of all temporary contractors buildings
- Plant and storage of materials associated with the development process
- External safety and information signing notices
- Complaints procedures, including complaints response procedures and dedicated points of contact
- Best practicable means shall be employed at all times to control noise and dust on the site including:
  1. Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
  2. Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon - Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

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

- 5 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 6 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The

development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

**Reason:** In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters.

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

- Undertaken infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Where flooding occurs onsite to store the 1 in 100 year climate change event details should be provided of the storage capacity required outside of the proposed formal drainage system. Details of the depths and locations of flooding should also be provided to the LLFA where the depths may be unsafe Hazard mapping may be required to ensure the development remains safe to users of the site
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

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

8 No development shall take place until: -

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



being carried out. The investigation must be comprehensive enough to enable:

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

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

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

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

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

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

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

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

- 9 The development hereby permitted shall be carried out strictly in accordance with the Landscape and Ecological Management Plan

reference CSA/2684/05 received on 1 March 2018. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE3 of the Warwick District Local Plan 2011-2029.

10 The development hereby permitted shall be carried out strictly in accordance with the Construction and Environmental Management Plan (CEMP) reference CSA/2684/06 received on 1 March 2018. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE3 of the Warwick District Local Plan 2011-2029.

11 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those specified within the application documentation. **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.

12 The development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) Birmingham Road, Hatton 890193-R1(2)-FRA\_RSK\_November 2017 and in particular the following mitigation measures detailed within the FRA:

- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 25.8 l/s for the site.
- Surface water is to be provided via a minimum of two trains of treatment using the proposed above ground drainage features within the drainage design.
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.

**REASON:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029.

13 No occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan. **REASON:** To ensure the future maintenance of the sustainable drainage structures in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029

14 The development shall not be occupied until the public highway A4133 has been improved so as to provide for the site access in accordance

with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority, as shown indicatively on plan 890193 10-09 P3. **REASON:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 15 The layout of the estate roads serving the development [including footways, verges and footpaths] shall not be designed other than in accordance with the principles and guidance as set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001'. **REASON:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 16 No dwelling shall be occupied until the estate roads [including footways] serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority. **REASON:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 17 The Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. Prior to the commencement of the development, the details of these measures (including type, method of operation and control of use) shall be submitted in writing to the Local Planning Authority for their approval in consultation with the Highway Authority. **REASON:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 18 The lighting scheme shall be carried out in accordance with the details submitted on plan reference 10-06 P3. In considering the lighting scheme, the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
- a. low energy LED lighting should be used in preference to high pressure sodium or mercury lamps;
  - b. the brightness of lights should be as low as legally possible; and
  - c. lighting should be timed to provide some dark periods.
- REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE3 of the Warwick District Local Plan 1996-2011.

- 19 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works in the approved application documents. 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.
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**Planning Committee:** 27 March 2018

**Item Number:** **10**

**Application No:** W 17 / 2425

**Town/Parish Council:** Kenilworth  
**Case Officer:** John Wilbraham  
01926 456539 john.wilbraham@warwickdc.gov.uk

**Registration Date:** 03/01/18  
**Expiry Date:** 28/02/18

**Kenilworth Tennis and Squash Club, Crackley Lane, Kenilworth, CV8 2JS**  
Erection of permanent canopy structure to 1no. tennis court FOR Kenilworth  
Tennis Squash and Croquet Club (KTSCC)

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

### **RECOMMENDATION**

Members are recommended to refuse planning permission for the reasons cited at the end of this report.

### **DETAILS OF THE DEVELOPMENT**

The proposal seeks outline planning permission with access, appearance, layout and scale to be considered, for the erection of a permanent canopy structure to provide cover for one of the tennis courts at the tennis club. The structure would comprise of a ribbed half dome roof with metal legs supporting it. The structure would be significant in scale measure 37m x 20m with a height of 11m.

### **THE SITE AND ITS LOCATION**

The application site is an established sports club washed over by Green Belt. Presently on site there is a low level sports pavilion which was granted planning permission in the 1960's together with 9 outdoor tennis courts and a couple of squash courts at present which are surrounded by fencing and floodlights.

### **PLANNING HISTORY**

<b>Application number</b>	<b>Description of development</b>	<b>Decision</b>
W/12/1162	Demolition of existing wooden pavilion and equipment storage hut and replacement with new wooden buildings on same site with addition of cess pit drainage	Granted 7/2/13
W/12/0076	Erection of extensions to provide new squash court and seating area; refurbishments to the existing lower ground floor to provide new gym and	Granted 27/4/12

	junior tennis training area.	
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## **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- CT4 - Extensions to Tourism, Cultural or Leisure Facilities in Rural Areas (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- Guidance Documents
- Vehicle Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** No objection but comment that members were concerned as to disposal of surface water drainage in this area and asked officers to take particular note.

**Sport England:** Support the application as it will enhance the sport facilities

**Public Responses:** 12 letters of support have been received on the following planning grounds:

- Good community facility
- No impact on neighbours
- No impact on Green Belt

## **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

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's (NPPF) Green Belt provisions. Paragraph 89 of the NPPF states that all new buildings in the Green Belt are to be considered as inappropriate development unless they meet one of the exceptions listed. One of these is the provision of appropriate facilities for outdoor sport as long as it preserves the openness of the Green Belt. The proposal would constitute a new building in planning terms which defines a building as any structure or erection.

The applicant has submitted a supporting statement to justify that the proposal is appropriate development for outdoor sport, in this instance tennis. The statement sets out the numbers of teams who play and how having a covered court would create 'certainty of play' during inclement weather which doesn't

currently exist. It also sets out the reasons for choosing this structure which is considered less visually intrusive than the air domes which are another option. The court that would benefit from the cover is the one located closest to the main club building and adjacent to the outdoor squash courts.

The question is then whether the canopy is an appropriate facility for outdoor sport and whether it preserves the openness of the Green Belt. It is acknowledged that it would be convenient and beneficial for the club to have a court available for use in inclement weather; however, the proposed structure would be significant in scale and would go some way to transforming an outdoor recreational facility into an indoor one. It is therefore considered that the proposal would not constitute appropriate facilities for outdoor sport and recreation and preserves the openness of the Green Belt. This exception has been used in other cases for development such as floodlights for outdoor pitches.

The proposal is therefore considered to constitute inappropriate development in the Green Belt which the NPPF states is harmful by definition. It would also be harmful by reason of harm to openness. The NPPF states that significant weight needs to be attached to such harm.

An assessment therefore needs to be made whether there are any very special circumstances which exist which would outweigh the harm identified.

The applicant has provided evidence regarding the number of teams and participants that utilise the club and facilities. They contend that by having this court covered it would allow for further matches to be played during the winter months when the weather is less conducive to tennis. Additionally Sports England have confirmed the proposal meets their requirements for a covered court and would enhance the facilities provided by the club. Whilst the move to improve sports facilities is supported, it is not considered that this constitutes the very special circumstances required to outweigh the harm to the Green belt which is afforded significant weight. The reason for this view is because such arguments could be repeated time and again for different clubs and different sports all over the district. They are not specific to this particular case and do not therefore outweigh the harm identified. The proposed development is therefore considered to conflict with the NPPF and Local Plan Policy DS18.

Another key policy in this application is CT4 which states that extensions or intensification of leisure facilities in rural areas will be permitted where they do not harm the character of the area. As set out above the proposal is considered to be inappropriate development in the Green Belt and is by definition therefore harmful. Further consideration on the visual impact is provided below but the proposal is considered to fail this element of the policy and is therefore contrary to CT4.

#### Impact on the openness of the Green Belt

Whilst the development is considered to be inappropriate development within the Green Belt, an assessment of the impact on the openness of the Green Belt is also required.

The proposal is located within the curtilage of the club and would be sited next to the existing club building on the site which is a flat roofed building approximately 6m in height. The ridge of the cover would be 11m high whilst the eaves would be 5.5m and the total floor area covers 840sqm. It is noted that the structure is open at the sides from the ground to the eaves between the 22 pillars which support the structure.

The structure would be seen from outside the site, principally Coventry Road to the south, due to the height. The cover would be finished in white although it has been confirmed that different colours could be used for the finish. Whilst this would help mitigate the impact, it is not considered that it would overcome the greater issues caused by such a significant structure being erected in this location which is double the height of the only other building located in the vicinity. The proposal is therefore considered to harm the openness of the Green Belt contrary to Policy DS18 and the NPPF.

#### Impact on character of surrounding area

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

The proposal is located within an existing sport complex that contains a number of outdoor courts together with the main club house and some small outdoor storage buildings. The proposed structure would be situated over one of the courts and would have floodlights affixed inside it. The existing court already has floodlights so this is not considered to have an adverse impact on the surroundings based on the imposition of a suitably worded condition regarding illumination levels.

The structure itself is a white membrane roof supported by a number of struts, open at the sides. The rest of the site is relatively open with the courts surrounded by wire mesh fencing and floodlights. Based on the size of the canopy, with the ridge being 11m in height, and the expanse of area covered by it the canopy it would appear prominent in the area. The colour of the canopy has been noted as white although this could be changed. However given the mass of the canopy and the relatively open nature of the area I consider the proposal would have an adverse impact on the rural character of the area contrary to Policy BE1.

#### Impact on adjacent properties

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

The closest neighbouring properties to the site are located over 140m away to the south. The proposal would allow for more matches to be played when they would otherwise be called off due to the weather. However, given the distance, it is considered that the proposal will not result in any material harm in terms of noise. The site is already served by a number of floodlights and the proposal to replace those inside the canopy would not give rise to further visual harm,



subject to a suitably worded condition. The proposal is therefore not considered to harm the neighbouring amenity in accordance with 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.

The proposal does not affect the existing access or parking arrangements at the site. Whilst the cover would allow additional games to be played that might normally be cancelled during inclement weather, no further courts are being proposed which might require additional parking and the club is considered to have sufficient parking for the number of courts on site. The proposal is therefore considered to accord with Policy TR1 and TR3.

### **REFUSAL REASONS**

- 1 The application site is washed over by Green Belt and the National Planning Policy Framework states that, within the Green Belt, the rural character of the area will be retained and protected. It also contains a general presumption against “inappropriate” development in Green Belt areas and lists specific forms of development which can be permitted in appropriate circumstances. The proposed development does not fall within any of the exceptions listed and, in the opinion of the LPA no very special circumstances exist to outweigh the harm by reason of inappropriateness and harm to openness. The proposed structure is therefore considered to be contrary to the NPPF and Policy DS18 of the Warwick District Local Plan 2011-2029.
  
- 2 Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

The proposed structure is a white membrane roof supported by a number of struts, open at the sides. The rest of the site is relatively open with the courts surrounded by wire mesh fencing and floodlights. Based on the size of the canopy, with the ridge being 11m in height, and the expanse of area covered by it the canopy it would appear prominent in the area. The colour of the canopy has been noted as white although this could be changed. However given the mass of the canopy and the relatively open nature of the area, in the opinion of the LPA, the proposal would have an adverse impact on the rural character of the area contrary to Policy BE1.

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**Planning Committee:** 27 March 2018

**Item Number: 11**

**Application No:** [W 18 / 0029](#)

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

**Registration Date:** 08/01/18

**Expiry Date:** 05/03/18

01926 456534 lucy.hammond@warwickdc.gov.uk

**36a Lillington Road, Leamington Spa, CV32 5YZ**

Change of use from 6-bed apartment (Use Class C3) to 6-bed apartment for use as House in Multiple Occupation (Use Class C4) together with proposed demolition of pre-fabricated garage. FOR Mr B Gill

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought to convert the first floor of the building (No.36a), which is currently a single flat, to a 6-bed HMO. The proposals also include the demolition of an existing detached pre-fabricated garage to the rear of the building to facilitate the addition of one car parking space.

**THE SITE AND ITS LOCATION**

The application site comprises a semi-detached two storey building which is currently split into two flats; No.36 on the ground floor and No.36a on the first floor. The building occupies a corner position at the junction of Lillington Road (to the front) and Wathen Road (to the side). An existing detached pre-fabricated garage sits at the end of the rear garden, fronting onto Wathen Road and a brick boundary wall encloses the south facing side boundary, behind which sits a garden area for the application building.

The site is surrounded on all sides by residential properties and is within the Royal Leamington Spa Conservation Area.

**PLANNING HISTORY**

W/17/1840 - Change of use of No. 36 (3no bedroomed HMO (Use Class C4)) and No.36a (5no bedroomed flat (Use Class C3)) to 8no. studio flats and 3no 1no bedroomed flats. Demolition of part of & reduction in height of the boundary wall fronting Wathen Road and the creation of a new access – Withdrawn by applicant

W/17/1546 - Change of use of No.36 & 36a to a 12no. bedroomed House in Multiple Occupation (HMO) (Use Class Sui Generis) & at ground floor 1no. 1no bedroomed flat – Withdrawn by applicant

It is important to note that both applications were withdrawn primarily because the applicant wished to make amendments to the proposals which represented a departure from the original submission, such that they necessitated a new application and could not be dealt with as amendments to the current scheme. The relevant amendments were largely prompted by concerns being raised by officers about the level of parking for the proposed residential uses.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)

### **SUMMARY OF REPRESENTATIONS**

**Leamington Spa Town Council:** No objections

**WCC Highways:** No objections

**Health & Community Protection (Environmental Sustainability):** No objections

**Waste Management:** No objections

**Private Sector Housing:** No objections

**Open Space team:** No objections and no financial contribution requested

**Public response:** 22 letters of objection received (from 17 individuals) raising the following material planning considerations:

- Concerns about parking

- Concerns about adequate waste storage facilities
- There will be additional traffic generated to and from the site
- There will be additional noise and disturbance as a result of the proposed use
- The proposals would be overdevelopment of the site
- This would result in the loss of an apartment for which there is a need in this part of the town
- The proposal would change the character of the area
- Concerns about drainage particularly surface water run off
- Concerns about pedestrian safety

Other non-material considerations were also raised including:

- Reference made to the type of tenant such a development might attract
- The building would be better renovated and retained as flats
- This re-submission attempts to circumvent issues previously raised when earlier applications were withdrawn
- There has been no engagement between the developer and the local community
- Concern about what will happen to the post box which is near the garage proposed to be demolished

## **ASSESSMENT**

The main issues to consider are:

- The principle of development
- The impact on the character of the area and street scene
- The impact on heritage assets (conservation area)
- The impact on neighbouring residents
- Access, car parking and highway safety
- Other matters

### The principle of development

Policy H6 of the Local Plan states that planning permission will be granted for Houses in Multiple Occupation where:

- a) the proportion of dwelling units in multiple occupation (including the proposal) within a 100m radius of the application site does not exceed 10% of total dwelling units;
- b) the application site is within 400m walking distance of a bus stop;
- c) the proposal does not result in a non-HMO dwelling being sandwiched between two HMO's;
- d) the proposal does not lead to a continuous frontage of three or more HMOs; and
- e) adequate provision is made for the storage of refuse containers whereby -
  - i. the containers are not visible from an area accessible by the general public, and
  - ii. the containers can be moved to the collection point along an external route only.

The proposed HMO would be located in a predominantly residential area and the 100m radius calculation carried out for the proposal concludes that the total

number of HMO's would be 1.6% of the total number of dwelling units. The policy is therefore complied with in this respect.

The application site is within 400m walking distance of a bus stop, the proposal would not result in a non-HMO dwelling being sandwiched between two HMO's, the proposal would not lead to a continuous frontage of three or more HMO's and adequate provision would be made for storage of refuse containers in accordance with (e) of the policy.

Overall, the proposal accords with the provisions of Policy H6 and therefore the development is considered acceptable in principle subject to an assessment being made of the other relevant material considerations which are set out below.

#### The impact on the character of the area and street scene

No external alterations are proposed to the building to facilitate the change of use of the upper floor flat and as such there would be no harm caused to the visual amenities of the surrounding area. The key change in the visual appearance of the site would be the loss of the pre-fabricated garage which is to be replaced with an additional car parking space. The garage is of little architectural merit and therefore its loss would not result in any harm to the character of the area. The development is therefore considered to comply with Policy BE1 of the Local Plan.

#### The impact on heritage assets (the conservation area)

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) 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.

Since there are no changes proposed to the building itself to facilitate the change of use officers are of the opinion that the proposal would have a neutral impact on the character and appearance of the conservation area. Whether it is used as a single flat or a HMO should have no material difference to its impacts on the physical appearance and character of the conservation area. One of the key changes in this application compared to an earlier withdrawn application is the retention of the boundary wall along Wathen Road which was previously proposed for partial demolition and a reduction in the height. It is now proposed to be left as per the existing situation with only the pre-fabricated garage proposed for demolition and replaced with a single car parking space. In character and visual terms this is considered to be preferable; the removal of

the garage which is of little architectural merit would be a visual improvement and the retention of the wall would maintain the existing character of the conservation area.

With the rear garden being retained as an outdoor amenity area, previously raised issues of the impact on the character of the area that would have resulted through its loss and conversion into a car park have now been addressed. Overall therefore, the development is considered acceptable in terms of its impact on the character and appearance of the conservation area and officers consider that this development would preserve and enhance the conservation area. The development is therefore considered to accord with Policy HE1 of the Local Plan.

In making this assessment, regard has been had to the weight that should be given to the desirability of preserving the special interest and setting of the heritage asset.

#### The impact on neighbouring residents

No physical works are proposed that would cause harm to the amenity of nearby neighbouring properties in terms of overbearing, overshadowing or overlooking and the removal of the garage and the opening up of this part of the site, replacing the garage with a car parking space instead would be an improvement. In terms of the use, with the existing flat now proposed to be used as a HMO for up to 6 people as opposed to a single flat, there are no objections raised to the development by the Environmental Health and Private Sector Housing teams. Moreover the proposal complies with Policy H6 which seeks to protect both the character of residential areas and the private amenity of the closest residential properties. Overall, officers do not consider that the use of this building as a HMO would result in material harm to the amenity of other neighbouring dwellings such as to justify a refusal of permission. The proposals are therefore considered to comply with Policy BE3 of the Local Plan.

#### Access, car parking and highway safety

Previous applications were withdrawn partly due to concerns not only being raised about the sub-standard level of parking but also the physical layout of the parking spaces and how it was envisaged this would work in practice. It is important to acknowledge also that the previous applications proposed a much more intense form of development than this current application proposes, i.e. multiple units (flats, HMO's) which cumulatively necessitated the need for a higher number of car parking spaces than the current proposal requires.

With this in mind therefore consideration has been given to the differences between this proposal and previous applications and the County Highways Authority has undertaken a comprehensive review of these latest proposals and raised no objections.

In terms of the existing situation the two garages present on site are assigned to each of the flats, providing a total of two off-street parking spaces within the site. The level of parking currently provided for the existing use at 36a falls below the required standards by one space although it is likely that the one car

parking space that cannot be accommodated within the site, is accommodated on-street.

The proposed 6-bed HMO would require 3 parking spaces to be provided, an increase of one additional car parking space compared to the existing use at the site. As only one off-street space will be accommodated within the site, this would result in two car parking spaces being accommodated on-street, an increase of one additional on-street space compared to the existing use.

Unrestricted on-street parking is available along Wathen Road, which could accommodate the one additional parking space generated by the development proposals. The Highway Authority acknowledges that concerns have been raised regarding the high demand for on-street parking along Wathen Road and adjacent roads however, the development proposals will only increase the demand for on-street parking by one vehicle compared to the existing use, in accordance with the adopted Parking Standards. It is unlikely that one additional vehicle parking on-street would have a detrimental impact on public highway safety.

It is also of note that the proposed parking space is more likely to be used by occupants than might be the case with the existing garage, given the inconvenience of having to open and close the garage doors and the restricted dimensions of a garage. As a result, the actual impact on parking on street may be little different from the existing situation. A condition is also recommended to require details of a covered cycle store to be submitted for approval.

Reference has been made to the existing flat being described as a 6-bed when the previous application referred to it as a 5-bed. In parking terms this is of little relevance because the parking standards (for C3 dwellings) require 2 spaces whether the residential unit provides 4, 5 or 6 bedrooms.

It is also important to note that this application only concerns 36a (the upper floor of the building) and therefore, while objections have been received from concerned residents who question the next step if this is approved, officers can only consider the proposals currently before the Local Planning Authority. If and when a subsequent application were to be submitted relating to the ground floor of the building this would be assessed on its own merits and one of the key considerations would be the level of parking. While the concerns of local residents are noted and understood, what may happen to the ground floor of the building in the future cannot form part of the considerations at this time.

#### Other matters

##### Ecology

Given the scale and nature of the existing structure, officers consider that a bat note, attached to any forthcoming permission, would suffice for the purposes of ensuring that no protected species are harmed as a result of the removal of this structure and its replacement with a car parking space. The development is considered to accord with Policy NE2 of the Local Plan.

### Open Space

In comparing the existing use against the proposed use the Open Space team has concluded there would be no requirement for a financial contribution to be made. The proposals are therefore considered to accord with Policy HS4 of the Local Plan.

### Provision of refuse storage

The Waste Management team has raised no objection to this application stating that the current waste bin / collection service at the premises will remain unchanged. That said, a condition is recommended that requires the submission of further details showing the provision of the necessary bin storage within the site. There is space for such a storage facility within the rear garden and the development is therefore considered acceptable in this regard.

### Low Emissions Strategy

Policy NE5 seeks to permit development proposals that ensure the district's natural resources remain safe, protected and prudently used. To that end, development proposals will be expected to demonstrate that they (*inter alia*) do not give rise to soil contamination or air, noise, radiation, light or water pollution where the level of discharge, emissions or contamination could cause harm to sensitive receptors.

In accordance with the requirements of the policy, and where development proposals would lead to an increase in vehicular movements, a standard condition should be applied to any forthcoming permission requiring a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance. It is proposed to attach this condition in the event permission is forthcoming and therefore the development is acceptable in this regard and accords with Policy NE5.

### Removal of the garage including asbestos roof

The Environmental Health Officer has confirmed that to facilitate the safe removal of the garage effective controls would need to be put in place in accordance with The Control of Asbestos Regulations 2012 (section a14) and disposed of correctly at a licensable waste site and not reused on the land. However this is not a matter for the planning process and is covered under separate legislation. Overall there are no objections from an environmental health point of view

### Third party comments

Several references have been made to earlier applications at the site, with concerns raised about the potential future use of the building and the resulting impacts this may have. It is only possible to assess the proposals currently before the Local Planning Authority, which in this case, refer to the change of use of only the upper floor of the building from a single flat to a 6-bed HMO. The visual and neighbour amenity impacts have been considered above as has the car parking arrangement and based on the current proposals, the development is in accordance with the relevant provisions of the Development Plan. Any future developments at the site would therefore be subject to their own separate planning application which would be assessed in the usual way and in accordance with the Development Plan.



## **SUMMARY/CONCLUSION**

The principle of development, to change the use of the existing flat to a 6-bed House in Multiple Occupation, is acceptable in accordance with the provisions of Policy H6 of the Local Plan. The removal of the pre-fabricated garage which is of no architectural merit would result in an improvement to the general character and appearance of the surrounding area and street scene and the proposals would preserve the character and appearance of the Royal Leamington Spa Conservation Area. It is not considered there would be any detriment to highway safety and the level of car parking provision is considered, on balance, to be acceptable.

Having regard to all of the above considerations, it is therefore the opinion of Officers that the development accords with the aforementioned policies of the Warwick District Local Plan 2011-2029 and as such it is recommended that planning permission be approved subject to the conditions set out below.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings LR36A\_02 and LR36A\_03 and specification contained therein, submitted on 8 January 2018 **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 commence until details of hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatment (including full details of any 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. **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.
- 4 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The

approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

- 5 The development hereby permitted shall not be occupied until a bin store and covered cycle store have been provided in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The cycle and bin store provided shall thereafter be retained as such in perpetuity. **REASON:** In the interests of visual and residential amenities and character of the area having regard to Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
  
- 6 The development hereby permitted shall not be occupied until the garage has been demolished and the parking space created as shown on drawing LR36A\_03. The parking space shall thereafter be retained as such in perpetuity. **REASON:** In the interests of highway safety having regard to Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

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**Planning Committee:** 27 March 2018

**Item Number: 12**

**Application No:** [W 18 / 0066](#)

**Town/Parish Council:** Leamington Spa

**Registration Date:** 12/01/18

**Case Officer:** John Wilbraham

**Expiry Date:** 09/03/18

01926 456539 john.wilbraham@warwickdc.gov.uk

**222 Rugby Road, Leamington Spa, CV32 6DZ**

Change of use from a dwelling (Class C3) to a no. 4 bed HMO (Class C4) FOR Mr Franchi

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

**RECOMMENDATION**

That planning permission be granted subject to conditions

**DETAILS OF THE DEVELOPMENT**

The application is seeking permission for the change of use from a dwelling (Class C3) to a 4 bed HMO (Class C4) as the property is within an area covered by an Article 4 Direction.

**THE SITE AND ITS LOCATION**

The site is a corner property located at the intersection of Rugby Road and Highfield Terrace within a Conservation Area. The building is a three storey property with two storey rear addition. The front elevation contains a double height bay window and there is contrasting brick detailing along the headers and cills on this and the side elevations. At the rear is a parking area and detached two bay garage. The building is presently sub-divided with the ground floor being a self-contained flat and the remaining floors being a two bed duplex.

**PLANNING HISTORY**

<b>Application number</b>	<b>Description of development</b>	<b>Decision</b>
W/04/0991	Alterations to vehicular access and replacement flat roof over garage	Granted 19/7/04

**RELEVANT POLICIES**

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)

#### Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

### **SUMMARY OF REPRESENTATIONS**

**Leamington Town Council:** No objections subject to the provision of off street parking

**WCC Highways:** No objection

**WDC Private Sector Housing:** No objection

**WDC Waste Management:** No objections

#### **Public Responses:**

6 letters of objection on the following planning grounds:

Lack of parking

Highway safety issues

Concern about the number of rooms proposed

Impact on amenity of neighbours

### **ASSESSMENT**

#### **Principle of development**

Principle of the Development - whether the proposals would cause a harmful over-concentration of HMO accommodation in this area

Local Plan Policy H6 for Houses in Multiple Occupation states that planning permission will only be granted for Houses in Multiple Occupation where:

- a) the proportion of dwelling units in multiple occupation (including the proposal) within a 100 metre radius of the application site does not exceed 10% of total dwelling units;
- b) the application site is within 400 metres walking distance of a bus stop;
- c) the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMO's;
- d) the proposal does not lead to a continuous frontage of 3 or more HMOs; and

e) adequate provision is made for the storage of refuse containers whereby - the containers are not visible from an area accessible by the general public, and the containers can be moved to the collection point along an external route only.

Having undertaken the relevant calculation I can confirm that the proportion of dwelling units in multiple occupation within a 100m radius of the site is 1.05%. The proposed development would increase this to 2.1%. The property is located within 400 metres of five bus stops, does not lead to sandwiching of a non HMO property between two HMOs and does not lead to a continuous frontage of 3 or more HMOs.

The property has a rear amenity/parking area which is where the bins would be located and then easily placed on the roadside for collection. The property is already serviced with a grey bin and alternative weekly collections, which will not change.

In conclusion, the principle of the development is considered to be acceptable and conforms with the NPPF and Policy H6.

#### Living conditions of occupiers

Private Sector Housing have been consulted and are satisfied with the proposal, including the internal arrangements. All of the room sizes have been confirmed as exceeding the Council's minimum requirement of 6.5sqm.

The development is therefore considered to provide adequate living conditions for the future occupiers of the HMO in accordance with adopted Local Plan Policy BE3.

#### Impact on character of the Conservation Area and wider streetscene

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

Warwick District Local Plan 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.

Warwick District Local Plan Policy HE2 of the Local Plan expects development proposals to have appropriate regard to the character and setting of Conservation Areas. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

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

There are no external changes proposed to the building, such that it is not considered that there is any material impact on the character of the Conservation Area or the wider street scene.

The proposal is therefore considered to accord with Policies HE1 and HE2.

#### Amenity of the Occupants of Nearby Buildings

There have been six public objections received which are focused mainly on the parking provision and to a lesser degree the impact of the HMO to the amenity of neighbouring properties and the surrounding area. From an amenity perspective there is currently no known issue of any anti-social behaviour in the area and it is not considered that the proposal is likely to introduce any such behaviour to an extent to which objection could be raised.

The proposal is therefore considered to accord with Policy BE3.

#### Car Parking and Highway Safety

Policy TR3 states that development will only be permitted that makes provision for parking and does not result in on-street car parking detrimental to highway safety. The Supplementary Planning Document (SPD) *Vehicle Parking Standards* sets out Warwick District Council's detailed parking standards for developments.

The existing property requires 1.5 spaces whilst the ground floor flat requires 1 space giving a total of 2.5 spaces. There are two off-street spaces currently at the site whilst both the flat and duplex have a garage each. The proposed HMO would require 2 spaces which means the total car parking requirement is 3, an increase of 0.5 above the current provision. This is a minimal increase and there is considered to be sufficient provision within the site to accommodate this.

A number of objections were received in relation to parking and highway safety concerns by local residents. The Warwickshire County Council Highways team have been consulted on the proposals and raised no objection from a parking or highway safety perspective. Based on this I am satisfied that the proposal will not cause an unacceptable level of harm in terms of highway safety.

Given that the parking provision does not materially alter under this proposal, I consider it is reasonable to attach a condition that limits the HMO to only no. 4 bedrooms as are shown on the plans. This would ensure that should the applicant want to provide additional rooms in the future which would necessitate additional parking spaces being provided, a detailed consideration could be undertaken to this provision and its layout. Subject to this condition I have concluded that the proposed development would have no detrimental impact on highway or pedestrian safety which would warrant reason for refusal of the application and that the development accords with adopted Local Plan Policy TR3.

## Waste Management

There is existing bin storage provided under the external access to the first floor adjacent to the parking area. The current waste provision is considered to be adequate for a HMO of this size and the collections will continue on an alternate weekly basis.

## Ecological Impact

The County Ecologist has confirmed that as there are no changes proposed to the building's roof either internally or externally they have no objections to the proposal.

## **CONCLUSION**

The proposed change of use to a HMO within this area adheres to the criteria set out within the Local Plan and more specifically Policy H6. There would be no additional harm to nearby uses or residents as a result of the proposal and the parking arrangements are considered to be acceptable. Adequate waste storage is already provided and therefore the application should be granted.

- 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) 'basement floor plan', 'ground floor plan', 'first floor plan', 'second floor plan' and block plan, and specification contained therein, submitted on 12th January 2018 and 28th February 2018. **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 permission hereby approved grants the use of the building as a no. 4 bed HMO only. **REASON:** Sufficient parking provision is provided for a HMO of this size in accordance with Policy TR3 of the Warwick District Local Plan 2011-2029. Any additional rooms will require further consideration of the parking arrangements.

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**Planning Committee:** 27 March 2018

**Item Number:** **13**

**Application No:** W 18 / 0120

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

**Registration Date:** 07/02/18

**Expiry Date:** 04/04/18

**The Cottage, (Redford) Main Street, Eathorpe, Leamington Spa, CV33  
9DE**

Erection of single storey side and rear extension FOR Mr & Mrs Redford  
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This application is being presented to Committee as the applicant is a Councillor.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The proposal is for a single storey side and rear extension.

**THE SITE AND ITS LOCATION**

The application relates to a two storey detached dwelling located along the main street within the Eathorpe Conservation Area. The site is washed over by Green Belt.

**PLANNING HISTORY**

No relevant planning history.

**RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)



- Vehicle Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**WCC Ecology:** Recommend pre-determinative bat survey.

## **DETAILS OF THE DEVELOPMENT**

Proposed single storey side and rear extension to be constructed in matching materials.

## **THE SITE AND ITS LOCATION**

The application relates to a two storey detached dwelling located within the main street in the Eathorpe Conservation Area and the site is washed over by Green Belt.

## **PLANNING HISTORY**

No relevant planning history.

## **ASSESSMENT**

### Design and impact on the Conservation Area

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

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The proposal is for the erection of a single storey side and rear extension constructed using blockwork and white painted rough cast render to match the existing property. The proposed extensions will not be visible from the street and therefore will not impact on the wider street scene. The extensions follow the linear form of the building and are therefore considered to respect the character of the existing property in the Conservation Area. The Conservation Officer has no objection to this proposal.

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

The main issue in the consideration of this application is whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and other harm identified.

Paragraph 89 of the National Planning Policy Framework states that the erection of new buildings is to be regarded as inappropriate development in the Green

Belt unless it meets the exceptions listed, which includes extensions which are not disproportionate additions over and above the size of the original building.

The supporting text of Policy H14 of the adopted Warwick District Local Plan 2011-2029 states that, as a guide, development which would represent an increase of more than 30% of the gross floor space of the original dwelling (excluding any detached buildings) located within the Green Belt is likely to be considered disproportionate.

The floor area of the original dwelling was approximately 184.74 square metres. The additions (existing and proposed) amount to approximately 61.6 square metres which equates to 33% above the floor area of the original building. This is slightly higher than the Council's adopted Local Plan guidance of 30%, however, it is considered that the extensions will not significantly alter the visual impression of the property and the extension is therefore considered a proportionate addition which is therefore considered to be appropriate development in the Green Belt in accordance with the NPPF and Local Plan Policy H14.

#### Impact on Neighbouring Residential Amenity

The proposed side and rear extension will not breach the 45° line from either neighbouring property at Romiley and Forge Cottage. Therefore the proposed extension is not considered to result in material harm on the living conditions of the occupiers of the neighbouring properties by reason of loss of light or outlook and the proposal therefore accords with Local Plan Policy BE3.

#### Ecology

The County Ecologist has recommended that a preliminary bat survey is required prior to the determination of the application. However, it is considered that a bat note will suffice. In coming to this conclusion, regard has been given to the location of the property, the characteristics of the local area and the fact that bats are a protected species under separate legislation which requires a duty of care by the applicants to ensure protected species are not harmed by the proposal.

#### Parking

The proposed extensions will not affect the current parking arrangements and nor will it result in an increased provision. The proposal therefore accords with Policy TR3.

### **CONCLUSION**

The proposed extension represents a proportionate addition to the property which is of an acceptable design that will not harm the openness of the Green Belt nor the character of the Conservation Area. The proposed extensions will not result in material harm on the amenity of neighbouring properties in terms of loss of light or outlook. The proposal is therefore considered acceptable.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
  
  - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 1801/P/01, 1801/P/02, 1801/P/03, 1801/P/04, and specification contained therein, submitted on 22/01/2018. **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:** 27 March 2018

**Item Number: 14**

**Application No:** [W 18 / 0130](#)

**Town/Parish Council:** Burton Green  
**Case Officer:** Helena Obremski

**Registration Date:** 30/01/18  
**Expiry Date:** 27/03/18

01926 456531 Helena.Obremski@warwickdc.gov.uk

**Hillcroft, Red Lane, Burton Green, Kenilworth, CV8 1PD**

Proposed erection of a new dwelling house, greenhouse and associated external works. FOR Mrs Parry

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The application seeks planning permission for the erection of a three storey detached dwelling. The proposed dwelling shall be accessed from the existing access serving Hillcroft and along a small driveway which runs directly in front of the existing dwelling. The proposed dwelling would have the appearance of a two storey dwelling, with garaging, gym and swimming pool to the ground floor, living accommodation to the first floor and five bedrooms, each with ensuite bathrooms to the second floor.

The architect has chosen a contemporary design, with flat roof, with a partially subterranean ground floor, which the agent indicates gives the impression of a two storey dwelling. The walls will be finished in white render and corton steel features, with aluminium doors and window frames. A modest detached greenhouse is also proposed. The agent advises that the design is of a highly contemporary nature, and with the use of modern materials and finishes, presents a bespoke building with an innovative appearance.

There have been two similar previous applications for the erection of a new dwelling within the residential garden of Hillcroft. One was withdrawn (W/17/0647), and the other was refused by Planning Committee in accordance with the Officer recommendation (W/17/1362) because:-

- i. the development was not acceptable in principle in terms of the impact on the openness of the Green Belt;
- ii. the design of the dwelling was considered to be harmful to the street scene;

- iii. the development was considered to be harmful to the living conditions of the occupiers of Hillcroft;
- iv. there was no contribution towards the improvement of local open spaces; and
- v. there were highway safety concerns.

Neither the design or the position of the proposed dwelling have been amended since the previous scheme. The Planning Statement submitted states that since the previous refusal, a full design review of the local area has been undertaken, work has been carried out to address the highway safety concerns, information regarding the principle of the development has been provided, and a unilateral undertaking will be prepared to provide for the open space contribution.

### **THE SITE AND ITS LOCATION**

The application site relates to a piece of land to the west of "Hillcroft", a detached two storey residential dwelling, being currently used as garden land. The piece of land is maintained by the owners of Hillcroft as part of their private residential amenity space, and houses a small chicken coup, along with some ornamental plants and shrubs. There is an existing access from Red Lane serving Hillcroft and the application site is positioned next to a bend in the road. There are a number of prominent trees at the edge of the site and a hedge which acts as a boundary marker. The application site is located in an elevated position from the main road owing to the land levels of the site. The application site is located within the Green Belt, but is not located within the village envelope.

### **PLANNING HISTORY**

W/17/0647 - application withdrawn for the development of a new dwelling house and associated external works in order to overcome concerns raised by Officers.

W/17/1362 - application refused for the development of a new dwelling house and associated external works for the reasons summarised above.

### **RELEVANT POLICIES**

- National Planning Policy Framework

#### The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029)

- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)

#### Guidance Documents

- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

### **SUMMARY OF REPRESENTATIONS**

**Burton Green Parish Council:** Objection: concerns regarding highway safety; the access is too narrow and passes too closely to the front door of Hillcroft; the development does not represent limiting infilling; the development is out of keeping with the local vernacular.

**WCC Ecology:** Comments remain the same as for W/17/1362.

**WCC Highways:** No objection, subject to conditions.

**Open Space:** No objection, subject to the provision of £4,412 towards the improvement of local open spaces.

**23 Letters of Support:** The development represents high quality innovative design which would enhance the area; the development would be for local needs; this would provide a sustainable dwelling which gives due regard to environmental considerations; the development would provide additional housing; the development would not have a detrimental impact on the current occupiers of Hillcroft.

### **ASSESSMENT**

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

- Principle of the Development
- Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified
- The impact on the Character and Appearance of the Area
- The impact on the living conditions of nearby dwellings
- Car Parking and Highway Safety
- Drainage and Flood Risk
- Sustainability
- Ecological Impact and Trees
- Open Space
- Waste
- Health and Wellbeing

## Principle of the Development

Local Plan policy H1 states that new housing will be permitted in Growth and Limited Infill Villages as shown on the proposal maps. Burton Green is identified as a Growth Village, however, the application sites outside of the village envelope boundary, and is located within the Green Belt.

Specifically, H1 goes on to state that housing development on garden land, in urban and rural areas, will not be permitted unless the development reinforces, or harmonises with, the established character of the street and/or locality and respects surrounding buildings in terms of scale, height, form and massing. This will be discussed in more detail below.

As the proposed development meets none of the exceptions to the provision of rural housing identified by Local Plan policy H1, the proposal is not considered to be acceptable in principle.

The proposed development would provide a small contribution towards the Council's housing supply. However, as the Council is able to demonstrate a 5 year housing land supply, paragraph 14 of the NPPF would not be engaged.

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

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. It sets out that inappropriate development within the Green Belt is harmful by definition. Exceptions to inappropriate development in the Green Belt are listed and includes the limited infilling in villages and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

There have been 16 letters from members of the public submitted to the Council regarding the proposed development which state the following reasons for support: the development represents high quality innovative design which would enhance the area; the development would be for local needs; would provide a sustainable dwelling which gives due regard to environmental considerations; the development would provide additional housing; the development would not have a detrimental impact on the current occupiers of Hillcroft.

### *Limited Infilling*

Policy H11 of the Local Plan permits limited infill development within Limited Infill and Growth Villages in the Green Belt. The policy defines limited infilling as acceptable as long as development comprising of the *infilling of a small gap fronting the public highway between an otherwise largely uninterrupted built up frontage, which is visible as part of the street scene, but does not form an*

*important part of the integrity of the village, the loss of which would have a harmful impact upon the local character and distinctiveness of the area.* The agent contends that the development represents limited infilling.

There has been an objection from the Parish Council who are of the view that the proposal would not represent limited infilling. Officers agree with this view. Firstly and most importantly, the site does *not* lie within a limited infill or growth village boundary as identified on the proposals map. Secondly, the site is not considered to represent a "small gap" between a largely uninterrupted built up frontage - development along the whole of Red Lane is not consistent, with some long strips of built up frontages and other open areas. Hillcroft constitutes the end property which forms part of a row of only three dwellings, with open land to either side of the row and to the rear of the site. This is not considered to represent a largely built up frontage and there is no "small gap", only open land to the north and west of the site.

In the updated Planning Statement, the agent makes reference to a High Court judgement (the "Braintree" decision) and appeal decision, which clarifies that development within an established residential curtilage is not considered to be isolated, and as such represents infill development. However, in reference to this decision, Braintree District Council did not have a five year housing land supply, thus triggering the need to assess the development against paragraph 14 of the NPPF, which is unlike this application and therefore a direct comparison cannot be made.

The Planning Statement also makes reference to an appeal decision in relation to Pelton Fell, Durham for the erection of a new dwelling (APP/X1355/W/17/3180304) which was outside of the settlement boundary. Again, in relation to this appeal, Durham County Council could not identify a five year housing land supply, thus triggering the need to assess the application against paragraph 14 of the NPPF. There is no such requirement for this application.

The Council's Local Plan is the starting point in determining the application, and the proposed development does not accord with the definition of limited infilling. The Council's Local Plan was recently adopted in September 2017, where the Planning Inspectorate found the policies, including H11, which clarifies the Council's definition of "limited infill development", to be in accordance with the NPPF. Therefore, as the proposed development does not accord with Local Plan policy H11, there is an objection on that ground to the proposal.

The agent references the fact that Burton Green is identified as a Growth Village, and that there is an allocation site for 90 new dwellings near to the application site and also that HS2 will run near to the site, as material considerations as part of the application. However, whilst Officers acknowledge these matters, they do not comprise key material considerations which are capable of out weighing this objection to the proposal.



Therefore, Officers consider that the proposed development would not represent limited infilling as it does not lie within a limited infill or growth village boundary, and does not meet the requirements of Local Plan policy H11.

### *Brownfield Land*

Under the previous application, the agent contended that the development would also represent the development of brownfield land. Reference to this has been omitted from the updated Planning Statement, however, for completeness, Officers will explain why the development would not represent the redevelopment of brownfield land.

Local Plan policy H1 specifically states that housing development on garden land, in urban and rural areas, will not be permitted unless the development reinforces, or harmonises with, the established character of the street and respects surrounding buildings in terms of scale, height, form and massing. Officers conclude that the proposed development does not reinforce or harmonise with the character of the street scene, which is explored in more detail below.

Garden land is not considered to constitute brownfield land. Notwithstanding this and the above information, even if Officers considered that the application site represented brownfield land, the NPPF is clear that the limiting infilling or partial or complete redevelopment of previously developed land is *only acceptable if it would not have a greater impact on the openness of the Green Belt*. The existing site benefits only from a small chicken coup and ornamental planting. When comparing this to the proposed three storey dwelling, it is very clear that the proposed dwelling would have a significant increased impact on the openness of the Green Belt.

### *Innovative Design*

Paragraph 55 of the NPPF states that new isolated homes in rural areas should be avoided unless their are special circumstances such as exceptional quality or innovative nature of the design. The NPPF specifies that the design should be truly innovative or outstanding; reflect high standards in architecture; significantly enhance the immediate setting; and, be sensitive to the defining characteristics of the local area.

The previous application was refused partly because the proposed design was considered to be incongruous and harmful to the character of the area, and did not represent innovative design. Under this application, the Planning Statement explained that the applicants consider the design of the proposed dwelling to be innovative. The design of the proposed dwelling has not been amended and therefore Officers do not consider the design of the dwelling to be any more innovative than was previously the case. The Planning Statement indicates that the proposed development is the "creation of a house of distinct and unique design". It sets out that there is no local vernacular or design characteristic of the local area which should be reflected in any innovative design.

Officers disagree with this view as there is variety within the street scene in terms of the style of dwellings - some are two storey dwellings and others are bungalows. There is also a mixture of materials, with some properties being rendered, and some being constructed from traditional brick. However, the street scene has a very "traditional" feel; the properties sit comfortably against each other in the street scene, with some gable features and some hipped roofs.

The proposed dwelling will be positioned high up from the street level next to a traditional two storey dwelling. Whilst the agent contends that there will be limited views of the dwelling from Red Lane, the proposed dwelling will still be viewed as a three storey flat roof dwelling, which is completely at odds with any of the other dwellings within the street scene. The large, imposing building, with "blocks" which fit together to provide a multi level building does not appear to take into consideration any of the defining characteristics of the area, nor is considered to enhance the area. Other than the design being "innovative and contemporary", the Planning Statement does little to clarify how the design is of exceptional quality or innovative design in accordance with the criteria set out by paragraph 55 of the NPPF. The bulky and contemporary design is considered to sit at odds with a traditional street scene made up of single and two storey dwellings, with either gable or pitched roofs. The flat roof is considered to be incongruous and out of keeping. The modern flat roof design is not considered to be innovative, nor is it considered to reflect high architectural standards.

The agent has provided a Landscape and Visual Impact Assessment (LVIA). It is indicated that the development is not considered to cause harm to the openness of the Green Belt. It is also suggested within the document that as the site is currently used as the garden to Hillcroft, that the site cannot be considered as open countryside, and does not contribute to the open rural character of the wider landscape setting, a point which Officers disagree with. The application site is currently very open - Hillcroft forms the last property in a row of dwellings, and at this point, the built form ends and the area opens up significantly, with no more built form for a considerable distance along this side of Red Lane. To the north and west, the area remains very much open, with a large field to either side. The LVIA also states that view of the site from public rights of way are limited due to the topography of the land and vegetation. It is accepted that from Red Lane, because of the land levels and the fact that site is set on a higher ground level, the openness of the site cannot be as easily judged. However, it is important to highlight that the assessment of the impact on the Green Belt should not be taken purely from public vantage points which the LVIA focuses on. Impact on the openness of the Green Belt should be taken as a whole.

The NPPF states that the essential characteristics of Green Belt are openness and permanence. Constructing a dwelling on the site would impact on the openness of the Green Belt and is therefore inappropriate development within the Green Belt to which there is an objection in principle. There have been no very special circumstances presented which are considered to outweigh the harm caused to the Green Belt and therefore the development is not acceptable in principle, and is considered to be contrary to the NPPF and Local Plan policy H11.

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

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Local Plan policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the 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. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

As previously mentioned above, the proposed design of the dwelling is not considered to respect the character of the area. The agent has carried out an assessment of the architecture in the surrounding area, and provided a revised Design and Access Statement which states that there is no particular design vernacular in the area.

Officers acknowledge that there is no prevailing architectural character within the wider area, and that there is some variety in terms of design and materials within the street scene. Notwithstanding this, Burton Green benefits from a verdant character, with traditional, simple house types. It is considered that the proposed development would be a large and incongruous feature, set amongst traditional dwellings, providing an alien feature within the street scene. The flat roof and bulky nature of the design is inappropriate and harmful to the street scene. Render is visible within the wider area, however, by rendering the whole structure, this makes the dwelling more imposing and the cantilevered steel elements make certain parts of the development appear even more incongruous within the street scene. The dwelling does attempt to appear as a two storey dwelling from the front elevation, however, the extended first floor "block" at the front adds unnecessary height, giving the impression of a three storey dwelling, which is incongruous.

The Planning Statement states that the design is distinct and unique. This reinforces the fact that limited consideration has been given to the existing traditional street scene. Officers recognise that a contemporary design may have been acceptable in this location owing to the mix of materials in the street scene and some variation in house types. However, little consideration appears to have been paid to any of the existing properties within the street scene.

The proposed design is considered to be harmful to the street scene by virtue of its incongruous and alien nature. The use of inappropriate materials such as steel and its large imposing nature are considered to represent a design which does

not enhance the street scene. The development is therefore considered to be contrary to the NPPF, Local Plan policy BE1 and the Residential Design Guide.

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

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

Hillcroft is the closest residential property to the application site. There would be no conflict with the Council's adopted 45 degree guidance and there are no distance separation issues associated with the proposed dwelling. However, to access the proposed dwelling, the occupants would be required to drive directly in front of Hillcroft and in front of windows which serve habitable rooms, which is a concern also raised by the Parish Council. This access arrangement would result in undue noise and disturbance to the occupiers of Hillcroft which emanate from the unfettered movements of vehicles using the access. It is considered that the proposal would be unneighbourly as it would disrupt the enjoyment of the quiet private amenity space associated with Hillcroft where it is not unreasonable to expect such enjoyment.

Silver Birches is positioned directly opposite to the application site. There is a front facing first floor balcony proposed to the new dwelling. It is noted that the application site is also set on a higher ground level than this nearby neighbour, which could lead to the perception of overlooking. However, Silver Birches is over 44 metres away from the application property at the closest point and the proposed dwelling would be set back well from the front of the site, meaning that there would be limited opportunities for overlooking. Also, there would be established vegetation screening any views on both the application site and neighbour's site. Therefore, it is unlikely that there would be any increased overlooking or loss of privacy which would warrant the refusal of the application. Furthermore, it is also noted that Silver Birches has supported the application.

As the proposed dwelling would be accessed from a driveway which would pass directly in front of windows serving habitable rooms to Hillcroft, this is considered to be unneighbourly as it would disrupt the enjoyment of the quiet private amenity space associated with Hillcroft where it is not unreasonable to expect such enjoyment. Whilst the current owners of Hillcroft (who have made this application) may be satisfied with this arrangement, the Council has a duty to protect the living conditions for any future occupiers of the property who may not find this reasonable. For this reason, the proposed development is considered to conflict with the NPPF and adopted Local Plan policy BE3.

### Car Parking and Highway Safety

Under the previous application, WCC Highways objected to the proposal because evidence had not been submitted to demonstrate that the required visibility splays could be achieved. As such, it was considered that the proposal could result in potential highway and pedestrian safety issues, and was refused partly on this basis.

Following on from the previous application, a speed survey was undertaken and the drawings provided show that the required level of visibility splays in both directions at the site access can be achieved. Furthermore, the development would also allow the widening of the existing vehicle access to allow two vehicles to pass each other. Following on from the submission of these details, WCC Highways have no objection to the proposed development, subject to conditions. Achieving the visibility splays would require the removal of some of the existing hedgerow, however, this would be minimal and is not considered to be harmful to the street scene.

The parking requirement for a five bedroomed property would be two spaces. This can be accommodated within the site boundary to an area of hardstanding next to the property or within the proposed garage. Furthermore, there would be ample space for cycle storage within the proposed garage to meet the Council's requirements.

The Parish Council have raised concerns regarding the proposed access, however, as WCC Highways have no objection to the development, it is considered that the proposal is unlikely to cause harm to highway or pedestrian safety. The development is therefore considered to be in accordance with Local Plan policies TR1 and TR3.

### Drainage and Flood Risk

No information has been provided in reference to sustainable drainage within the site boundaries, however, this matter could be secured by condition.

### Ecological Impact and Trees

WCC Ecology have assessed the information provided and state that their comments remain the same as for application W/17/1362. They noted that none of the trees to be affected contained evidence of bats, and agree with the recommendations contained within the report. WCC Ecology advise that a condition should be added to any approval granted to ensure that they are followed.

There are a number of trees which are within the site boundary which have amenity value within the street scene. The response from the Tree Officer has not yet been received by Officers, and members will be updated prior to the meeting with these comments.

## Open Space

The Open Space team have commented on the application and request a contribution of £4,212 towards the improvement of local open spaces. This contribution would be put towards the development objectives of Abbey Fields, specifically relating to signage and interpretation improvements. Abbey Fields scored only "Average" in a number of aspects in the latest Parks Audit and at the time of responding, there were no Section 106 Agreements assigned to the various projects within this open space.

The applicant is preparing a Unilateral Undertaking to secure this contribution if the application is approved. However, until this document has been received and checked by the Council's Legal Services department, the development is not considered to be in accordance with Local Plan policy HS4 and the adopted relevant guidance.

## Waste

Adequate waste storage can be accommodated within the site boundaries.

## Health and Wellbeing

There are no health and wellbeing benefits identified.

## **CONCLUSION**

Paragraph 89 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. The application site is washed over by Green Belt and the proposed development of one dwelling does not meet any of the exceptions listed under paragraph 89 of the NPPF. The development is considered to be incongruous and harmful to the street scene by providing an alien form of development at odds with the traditional dwellings found within the established street scene which is contrary to the NPPF and Local Plan policy BE1. The development would also be harmful to the living conditions of the occupiers of Hillcroft which is contrary to the NPPF and Local Plan policy BE3. Therefore, it is recommended that the proposed development should be refused.

## **REFUSAL REASONS**

- 1 The proposed development comprises inappropriate development within the Green Belt to which there is an objection in principle and in respect of which no very special circumstances sufficient to outweigh that harm have been demonstrated. The development is therefore considered to be contrary to the NPPF and Warwick District Local Plan policy DS18.
- 2 Policy BE1 of the Warwick District Local Plan 2011 - 2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Policy BE1 requires all development to respect surrounding

buildings in terms of scale, height, form and massing, and use appropriate materials to ensure that it does not detract from the character of the local area.

The proposed dwelling is not considered to respect the existing dwellings within the street scene in terms of form and massing. The proposed design is considered to be harmful to the street scene by virtue of its incongruous and alien features such as flat roof and use of inappropriate materials such as steel. The large imposing nature of the proposed dwelling is considered to represent poor quality design which does not enhance the street scene.

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

- 3 Policy BE3 of the Warwick District Local Plan 2011 - 2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

The proposed access arrangement would result in undue noise and disturbance to the occupiers of Hillcroft which emanate from the unfettered movements of vehicles using the access. Due to the close proximity of the access running alongside windows serving habitable rooms to Hillcroft, it is considered that the proposal would be unneighbourly as it would disrupt the enjoyment of the quiet private amenity space associated with Hillcroft where it is not unreasonable to expect such enjoyment.

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

- 4 Policy HS4 of the Warwick District Local Plan 2011 - 2029 states that contributions from residential developments will be sought to provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs. The Council have also adopted a Supplementary Planning Document entitled Open Space together with associated guidance on developer contributions for commuted payments for off-site provision and enhancement of public open space where it is not provided on site.

The Open Space team have requested a contribution of £4,212 towards identified improvements to local open spaces. No unilateral undertaking has been put forward to secure such a contribution and therefore, in the opinion of the Local Planning Authority, the proposals do not make adequate provision for open space.

The proposals would therefore be contrary to the aforementioned policies.

**Planning Committee:** 27 March 2018

**Item Number: 15**

**Application No:** W 18 / 0201

**Registration Date:** 31/01/18

**Town/Parish Council:** Beausale, Haseley, Honiley & Wroxall **Expiry Date:** 02/05/18

**Case Officer:** Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

**Haseley Manor, Haseley Business Centre, Birmingham Road, Hatton,  
Warwick, CV35 7LS**

Removal of Condition 12 (10% Renewables) of planning permission ref:  
W/15/1704

(Conversion of Haseley Manor to 13no. apartments, demolition of Saxon House  
and Rossmore House and erection of 9 no. dwellings with associated parking,  
landscaping, access and tennis court). FOR Spitfire Bespoke Homes Limited  
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This application is being presented to Committee due to an objection from the  
Parish Council having been received.

**RECOMMENDATION**

Planning Committee is recommended to grant planning permission for the  
removal of condition 12.

**DETAILS OF THE DEVELOPMENT**

This application is made under section 73 of the Town and Country Planning Act  
1990 that relates to the determination of applications to develop land without  
compliance with conditions subject to which a previous planning permission was  
granted, subject to the revised/new conditions meeting the requirements of 'Use  
of Planning Conditions (ID: 21a Updated 06.03.2014) of the PPG.

In deciding an application under Section 73, the Local Planning Authority must  
only consider the disputed condition that is the subject of the application – it is  
not a complete re-consideration of the application (PPG Paragraph 031 Reference  
ID: 21a-031-20140306).

On such an application the local planning authority shall consider only the  
question of the conditions subject to which planning permission should be  
granted, and—

(a) if they decide that planning permission should be granted subject to  
conditions differing from those subject to which the previous permission was  
granted, or that it should be granted unconditionally, they shall grant planning  
permission accordingly, and

(b) if they decide that planning permission should be granted subject to the  
same conditions as those subject to which the previous permission was granted,  
they shall refuse the application.



This application is described as a variation of Condition 12 of planning permission W/15/1704 for;

"Conversion of Haseley Manor to 13 no. apartments, demolition of Saxon House and Rossmore House and erection of 9 no. dwellings with associated parking, landscaping, access and tennis court."

Condition 12 states;

*"The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials 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 and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011."*

The applicant seeks to remove the condition as the policy requirement for 10% renewables in the old local plan was not carried forward into the new local plan 2011-2029.

An earlier Section 73 application to amend the wording to reduce the requirement for energy saving measures from 10% to 8% was agreed under permission reference W/17/0896. However, as a Section 73 issues a new permission and does not supersede the existing, Officers are satisfied that this proposal is assessed against the original permission granted under ref: W/15/1704.

### **THE SITE AND ITS LOCATION**

The application site comprises Haseley Manor, a Grade II listed building, and two adjacent buildings (Rossmore House and Saxon House). Rossmore House is a separate three storey 1970's building to the south side of the listed building which is linked at first floor level by a pedestrian bridge. Saxon House is a two storey 1970's block to the north of the listed building. The site is currently vacant, but was previously used for offices and as an acupuncture training college. The site occupies a rural setting within the Green Belt, surrounded by agricultural land.

The site is accessed off Birmingham Road (A4177) where there is an existing bell mouth directly adjacent to the original Lodge for the Manor, which is now in separate residential ownership. There is a long meandering drive leading to the Manor. This leads to large areas of car parking in front of the Manor and adjacent buildings. The car parks and other areas surrounding the buildings are

heavily landscaped and this includes a large number of mature trees. The gardens are locally listed.

The Adopted Local Plan designates the site as a Major Developed Site within the Green Belt.

### **PLANNING HISTORY**

W/17/0896 - Application for the variation of condition 12 of planning permission no. W15/1704 to reduce the renewable energy / energy efficiency requirement from 10% to 8% - Granted 10.08.2017.

W/15/1704 and W/15/1705/LB - Conversion of Haseley Manor to 13 no. apartments, demolition of Saxon House and Rossmore House and erection of 9 no. dwellings with associated parking, landscaping, access and tennis court – PP Granted 14.12.2016 – LBC Granted 29.02.2016.

W/12/0689 - Proposed alterations to existing garage to form additional family accommodation – Granted 02.10.2012

W/12/0138 and W/12/0139/LB - Conversion of Haseley Manor House from offices (Use Class B1) to 8 apartments (Use Class C3), with external alterations to fenestration. Demolition of Saxon House, Rossmore House (College of Traditional Acupuncture), first floor link from Rossmore House to Manor House and external stairs to Manor House. Erection of 5 terraced dwellings. Erection of 1 pair of semi-detached dwellings. Erection of 2 garage/bin store/cycle store buildings. Alterations to existing parking provision – Both Granted 13.08.2012.

### **RELEVANT POLICIES**

- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS19 - Review of the Local Plan (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR4 - Safeguarding for Transport Infrastructure (Warwick Local Plan - 2011-2029)

- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- DM2 - Assessing Viability (Warwick District Local Plan 2011-2029)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)

## **SUMMARY OF REPRESENTATIONS**

**Beausale, Haseley, Honiley & Wroxall Parish Council: Council:** Object for the following reasons:

- Condition 12 of the original planning consent would have been included in order to support the protection of the environment. This has not changed.
- The Council feel that there would be a number of ways that a 10% saving could be easily achieved, with for example LED lighting or improved insulation.

**Hatton Parish Council:** No objection.

**Public Response:** 1 letter received raising general concerns about apparent ease of removing conditions and potential precedent set for removal of other important conditions.

## **ASSESSMENT**

### Principle of development

As the principle of development has been established under W/15/1704 and this permission has been implemented, there is no requirement to re-assess the principle for this proposal.

### Impact of the proposed revisions

I have considered the proposal against the assessment criteria as set out within the previously approved scheme and note that the proposal would not result in any harm to the Green Belt, the living conditions of nearby dwellings, car parking and highway safety, trees, landscape, ecology or the affordable housing and Section 106 Contributions.

### Energy Saving Measures and the impact on character and setting of the Listed Building

Warwick District Local Plan Policy HE1 (protection of Heritage Assets) states development will be expected to respect the setting of character and setting of designated heritage assets.

Due to the Listed Building within the site, extra care has had to be taken to prevent harm to the setting of the Listed Building. As a result, the potential for energy saving measures is already greatly reduced which has limited the ability to provide external measures such as solar panels and air source heat pumps. The earlier application to reduce the requirement from 10% to 8% was approved prior to the adoption of the new Local Plan.

In considering the request for the removal of the condition, it is important to be mindful that the condition was applied under a policy in the old local plan. The new Local Plan has now moved away from this requirement as energy saving measures are now required under Building Regulations.

On the basis of the above, taking into account the updated Policy position on energy saving measures together with limiting the impact on the character and setting of the Listed Building, I consider that it is appropriate to remove the condition from the planning permission.

Energy saving measures will still be secured through the appropriate Building Regulations.

### Previously Imposed Conditions

I have considered the previously imposed conditions and am satisfied that the conditions are still relevant to the application. However, as the permission has been implemented, it is appropriate to remove the 3 year commencement condition.

The majority of existing pre-commencement conditions have been formally discharged. As such, I consider it appropriate to update these conditions to be carried out in accordance with the approved details and also updated to the current policy position. Where there is no evidence of a discharge of a pre-commencement condition, this will be carried forwards as previously imposed.

All pre-occupation or conditions in perpetuity shall be carried forwards as previously worded but subject to the up to date policy position.

## **Conclusion**

The proposal sought to remove the energy saving measures condition attached to the original planning permission for the works. In considering the application, I have noted the move away from energy saving measures being a policy requirement within the new Local Plan and balanced this against the setting of the Listed Building. In conclusion, I am satisfied that the removal of the condition is a more practicable approach and I have recommended that the condition be removed. All remaining conditions will be carried forward and updated as necessary and renumbered to take into account the removal of Condition 12.

## **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) 1788/01L, 1788/02A, 1788/03, 1788/04, 1788/05A, 1788/06, 1788/07, 1788/08, 1788/09, 1788/10C, 1788/11B, 1788/12C, 1788/13B, 1788/14C, 1788/15C, 1788/16C, 1788/17C, 1788/19, 1788/20, 1788/21, 1788/22, 1788/32C & 1788/49, and specification contained therein, submitted on 8 October 2015, 29 October 2015, 1 July 2016 & 7 November 2016. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
  
- 2 No development shall take place until detailed surface and foul water drainage schemes for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
  - a. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753
  - b. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBAR runoff rates for all return periods
  - c. Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in "Science Report SC030219 Rainfall Management for Developments"
  - d. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

e. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing

f. A foul water drainage scheme including evidence from Severn Trent Water (STW) that there is adequate capacity within their sewerage assets for this development and that STW are in agreement with the proposed foul water drainage scheme.

g. Provide a Maintenance Plan to the LPA giving details on how the entire surface water and foul water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas on site (outside of individual plot boundaries) shall be provided to the LPA.

**REASON** : To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies NE5 and FW2 of the Warwick District Local Plan 2011-2029.

- 3 Prior to commencement of the development hereby permitted further drawings showing the new walls to the utility, cloaks and bathrooms at not full height shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. **REASON:** To ensure an appropriate standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
- 4 All external facing materials to be used for the construction of the development hereby permitted, shall be in accordance with the details approved by the Local Planning Authority on 17.05.2017 in pursuance of planning permission W/15/1704 unless otherwise agreed in writing. **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.
- 5 All external joinery, eaves, verges and rainwater goods shall be carried out strictly in accordance with the large scale details approved by the District Planning Authority on 24 January 2018 in pursuance of planning permission W/15/1704 unless otherwise agreed in writing. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : For the avoidance of doubt, and to ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
- 6 The development hereby permitted shall be carried out strictly in accordance with the tree protection details approved in writing by the local planning authority on 12.04.2017 (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) for all tree(s) to be retained on the site, or those tree(s) whose root structure may extend within the site. No excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree(s); no equipment, machinery or

structure shall be attached to or supported by any retained tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029.

- 7 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works approved in writing by the local planning authority on 24.01.2018 in pursuance of planning permission W/15/1704. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the dwellings hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON :** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.
- 8 No building shall be occupied until the footway has been laid out in accordance with the details approved by the Local Planning Authority on 1 December 2017 in pursuance of W/15/1704 unless otherwise agreed in writing. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan 2011-2029.
- 9 The development shall be carried out in accordance with the details of the provision of the manoeuvring space and service areas, including surfacing, swept path analysis and levels as approved in writing by the Council on 25 April 2017. No building shall be occupied until the areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of manoeuvring of vehicles. **REASON :** In the interests of highway safety, in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 10 The development and demolition hereby permitted shall not commence or continue unless a turning area has been provided within the site so

as to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear. The turning area shall be retained for the duration of construction works. **REASON :** In the interests of highway safety, in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 11 The development hereby permitted shall be carried out in accordance with the details of finished floor levels of all buildings, existing and proposed site levels on the application site and the relationship with adjacent land and buildings as approved in writing by the local planning authority on 21.04.2017 in pursuance of W/15/1704 unless otherwise agreed in writing. **REASON:** To ensure a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029.
- 12 The development hereby permitted shall be carried out strictly in accordance with the detailed Landscape and Ecological Management Plan approved in writing by the Local Planning Authority on 24.01.2018 and the approved measures shall be implemented in full. **REASON :** To ensure adequate compensation for any loss of biodiversity, in accordance with the National Planning Policy Framework.
- 13 The development shall be carried out strictly in accordance with the detailed lighting scheme for the site agreed in writing by the local planning authority on 22.05.2017.

No lighting shall be installed other than in strict accordance with the scheme approved under this condition. The lighting shall be maintained and operated in strict accordance with the approved scheme at all times thereafter.

**REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE2, NE3 and NE5 of the Warwick District Local Plan 2011-2029.

- 14 The development hereby permitted shall be carried out strictly in accordance with the Construction and Environmental Management Plan approved in writing by the local planning authority on 25.05.2017 in pursuance of W/17/1704. The agreed Construction and Environmental Management Plan shall be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.
- 15 The development shall be carried out in accordance with the programme of archaeological works and investigations in accordance with the written scheme of investigation approved in writing by the local planning authority on 24.03.2017 in pursuance of W/15/1704.



**REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy HE6 of the Warwick District Local Plan 2011-2029.

- 16 All features of architectural detailing, fireplaces and doors shall be retained in situ unless shown as to be removed on the approved drawings. If any historic doors are to be removed they shall be reused elsewhere in the building in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development hereby permitted. Details will also be required of how historic doors will be upgraded to meet fire regulations (if necessary). **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
- 17 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON :** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.
- 18 The development shall not be commenced until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distances of 160.0 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 0.9 metres above the level of the public highway carriageway. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan 2011-2029.
- 19 The dwellings shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan 2011-2029.
- 20 The development and demolition hereby permitted shall not commence

or continue unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan 2011-2029.

- 21 The development hereby permitted shall not be occupied until the applicant has provided sustainability packs for each household. **REASON:** To encourage occupiers to travel sustainably in accordance with Policy DM1 of the Warwick District Plan 2011-2029.
- 22 Access for vehicles to the site from the public highway (Birmingham Road A4177) shall not be made other than at the position identified on the approved drawing, number 1788-02 Rev A, providing an access no less than 5.0 metres wide for a distance of 30.0 metres into the site, as measured from 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.
- 23 No gates shall be erected at the entrance to the site for vehicles until full operating details, including method of access/egress, have been submitted to and approved in writing by the Council. Such gates shall be located, hung and operated in accordance with Drawing No. 1788-02 Rev A and the details approved under this condition. **REASON:** In the interests of highway safety, in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 24 None of the apartments hereby permitted shall be occupied unless and until bin and cycle stores have been constructed in strict accordance with details that shall have been submitted to and approved in writing by the local planning authority. The bin and cycle stores shall be retained at all times thereafter. **REASON :** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 25 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any dwellinghouse hereby permitted. **REASON:** That having regard to the location of the proposed dwellings within the Green Belt as well as within the curtilage of a Grade II listed building, it is important to ensure that no further development is carried out which would detract from the openness of the Green Belt or the setting of the listed building, in accordance with Policies BE1 and HE1 of the Warwick District Local Plan 2011-2029.
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**Planning Committee:** 27 March 2018

**Item Number: 16**

**Application No:** [W 18 / 0255](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Helena Obremski

**Registration Date:** 07/02/18

**Expiry Date:** 04/04/18

01926 456531 Helena.Obremski@warwickdc.gov.uk

**The Coach House, 17A Sherbourne Terrace, Clarendon Street,  
Leamington Spa, CV32 5SP**

Resubmission of W/17/2247: Retrospective application for conversion of existing annex to a separate dwelling (Coach House building to the rear of 17A Sherbourne Terrace, Leamington Spa) and regularisation of window and door details. FOR Ms T Gaston

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

**RECOMMENDATION**

Planning Committee are recommended to refuse planning permission.

**DETAILS OF THE DEVELOPMENT**

Retrospective planning permission is sought for a change of use of the annex located within the rear garden area of 17A Sherbourne Terrace into a separate, one-bedroomed residential dwelling. The Design and Access Statement submitted with the application states that since planning permission was granted for the annex in 2010, that the site has been unlawfully used as a separate dwelling, and that the occupiers benefit from a parking permit, the property has a separate address, and has separate council tax to the main property.

The annex has not been constructed in accordance with the approved plans - an additional rooflight has been installed in the single storey wing and the approved rooflight in the front roofslope has been relocated. Furthermore, a garage door was installed within the front elevation, rather than traditional front door and window. This application seeks to regularise these amendments.

This is a resubmission of W/17/2247 which had the same description of development. No changes have been made to the scheme since this submission.

**THE SITE AND ITS LOCATION**

The application relates to a one and a half storey building located within the rear amenity area of 17A Sherbourne Terrace. The property was granted planning permission to be used as an annex to the main dwelling in 2010, and has a living area to the ground floor, with shower room, and bedroom to the first floor. The application site has been separated from the main dwelling by a high level fence, which provides a small enclosed courtyard area to the front/side of the building.

Access to the building is from Lower Villers Street. The application site is located within the Conservation Area.

Permitted development rights were removed for the insertion of any additional windows or alterations when the annex was granted planning permission to protect neighbouring residential amenity.

### **PLANNING HISTORY**

W/09/1458 - Planning permission granted for the conversion and extension to garage to form granny annexe.

W/17/2247 - Application withdrawn for retrospective application for conversion of existing annex to a separate dwelling (Coach House building to the rear of 17A Sherbourne Terrace, Leamington Spa).

### **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Roofs on Listed Buildings & in Conservation Areas (Supplementary Planning Guidance)

### **SUMMARY OF REPRESENTATIONS**

**Leamington Spa Town Council:** No objection.

**Councillor Thompson:** Supports application, the development provides adequate parking; the site has a nice amenity area which is larger than other properties which has no adverse impact on the amenity of other nearby users; the front of the house style amenity space is in keeping with nearby properties; the property has a front wall which acts as a security measure which is in keeping with the Conservation Area; the wall also complies with policy HS7 by

reducing the fear of crime and removing the wall would be harmful to the Conservation Area.

**Environmental Protection:** No objection.

**Private Sector Housing:** No objection, the bedroom window needs to meet escape window standards, and mains linked detection should be provided at ground and first floor levels.

**Waste Management:** No objection.

**Open Space:** No objection, subject to the provision of £1,228 towards the improvement of local open spaces.

**Public Responses:** Former Occupier: The accommodation is of good and comfortable standard, light is adequate and the views from the ground floor were not oppressive. The outside amenity space allowed for small patio table and space to dry clothes, and store a wheely bin. The site is in easy walking distance of the town centre and nearby transport links.

Current Occupier: The property has its own courtyard which catches the sun, which is quiet and secluded. The interior of the property is bright and spacious, offering privacy and space. Has private courtyard and private access, is close to the town centre and bus services.

## **ASSESSMENT**

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

- Principle of the Development
- The impact on the Character and Appearance of the Area
- The impact on the Conservation Area
- The impact on the living conditions of nearby dwellings and living conditions of the occupiers of the dwelling
- Car Parking and Highway Safety
- Drainage and Flood Risk
- Ecological Impact
- Open Space
- Waste
- Health and Wellbeing
- Other Matters

### **Principle of the Development**

Local Plan policy H1 states that new housing will be permitted within the urban areas as identified on the proposals maps. Leamington Spa is an urban area, and therefore the principle of housing in this location is considered to be acceptable in principle.

## The Impact on the Character and Appearance of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Local Plan policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide 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.

A rooflight has been installed within the middle part of the main roofslope facing towards Lower Villers Street and a rooflight to the single storey wing has been installed. These are visible within the street scene, and were not part of the approved plans. In design terms, these alterations are not considered to be harmful to the street scene.

Although garage doors have been installed to the front elevation of the property, as the overall appearance of the property remains subordinate to the main dwelling, in the style of a Coach House, the doors are not considered to represent an incongruous feature which is out of keeping within the street scene. There are no further alterations proposed.

The development is therefore considered to be in accordance with Local Plan policy BE1 and the Residential Design Guide.

## Impact on the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 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.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the 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. As a building within the Conservation Area, the application property is considered as a heritage asset. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a Conservation Area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

The annex was not constructed in accordance with the approved plans; there are additional rooflights, some of which have been relocated and a garage door has been installed to the front elevation of the property. Therefore, the existing structure is in breach of condition which could still be subject to enforcement action, being within 10 years of the date of construction. There was also a condition for large scale details attached to the previous permission for the annex which was not discharged, which sought to ensure a high quality of design and to protect the character of the Conservation Area.

In Conservation Areas, the Council has adopted guidance in reference to roof alterations which specifically states that traditional rooflights, set flush with the roofslope should be used which avoid a considerable upstand. The installed rooflights however are set in an upstand which protrudes well from the existing roofslope, which is contrary to the Council's adopted guidance. As these affect views within the Conservation Area, their installation is considered to be harmful to the traditional character of the Conservation Area, a view which is shared by the Conservation Officer. Allowing these rooflights could set a harmful precedent which Officers would seek to avoid.

The Conservation Officer has confirmed that the use of the garage door to the front elevation is acceptable. The use of a traditional timber tongue and groove door, with metal brackets is considered to be appropriate within this context.

The installation of non-Conservation style rooflights is considered to be harmful to the Conservation Area. There are no public benefits which would outweigh the harm caused to the Conservation Area as a result of the installation of the incongruous rooflights. The development is therefore considered to be contrary Local Plan policy HE1 and the adopted relevant guidance.

#### The impact on the living conditions of nearby dwellings and living conditions of the occupiers of the dwelling

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

### *Impact on neighbouring properties*

The change of use relates to an existing building which has permission. Although the property was not built in accordance with the approved plans, the overall size of the building has not been increased. As there have been no additional windows installed which face towards neighbouring dwellings, it is not considered that the change of use is harmful to neighbouring amenity.

### *Living Conditions for the Occupiers of the Dwelling*

The ground floor of the property has windows which look out over the courtyard and also towards the boundary treatment separating the building from 17A Sherbourne Terrace serving the main living space. The windows looking towards the shared boundary treatment have a very constrained outlook, being positioned just 0.6 metres from a high level close-boarded timber fence. The distance between the windows overlooking the courtyard and the high-level boundary wall fronting onto the highway is just 4.2 metres. Any windows serving a habitable room facing onto a blank elevation should have a distance separation of at least 12 metres. The outlook for these windows therefore falls significantly below the Council's adopted guidance, and as this is the main living space serving the property, this provides very poor living conditions for the occupiers, with a very constrained outlook and lack of natural light.

The only window serving the bedroom at first floor is a rooflight. This is not considered to provide adequate levels of outlook for the occupiers of the property. The agent makes reference to a property which was approved diagonally opposite to the site, where there are bedrooms with rooflights (10 Lower Villers Street - W/05/0570). However, although this property has rooflights serving habitable rooms, there are also windows in the elevations serving these spaces which provide outlook for the occupants.

Furthermore, the courtyard is not considered to provide adequate amenity space for the occupiers of the dwelling. The usable outside space serving the property is only 11.76sqm. The small nature of the amenity area is further exacerbated by the overly high close-boarded timber fence which has been installed (without permission) to separate 17A Sherbourne Terrace from the application site, and the high level brick built boundary wall fronting the highway. This provides an overbearing, oppressive and closed-in space which is not considered to provide adequate outside amenity space for the occupiers of the dwelling.

Councillor Thompson states that the brick boundary wall is necessary for security reasons and that its removal would be harmful to the Conservation Area. The Council agrees that its removal would be harmful to the Conservation Area and does not recommend this as a solution to overcome Officer's concerns.

The agent makes reference to the property diagonally opposite to the application site and the fact that it has a similar size amenity area. This property has an amenity area of 25sqm, which is larger than the amenity area serving the application site. Furthermore, this dwelling was approved some 13 years ago, under the previous Local Plan. Importantly, the neighbour's amenity space is open to the road and does not have high-level solid boundary treatments making it feel closed-in or oppressive, therefore making the amenity space of the



neighbour opposite a much more pleasant space. This is the same situation with other examples of nearby amenity areas which have been presented by the agent which are a similar size to the application site.

It is acknowledged that the current and previous occupiers have commented on the application and note that the living conditions are acceptable. Councillor Thompson also considers the property provides adequate living conditions. However, the Council has a duty to protect the living conditions of future occupiers of the dwelling and maintain minimum living standards across the District.

The overly constrained nature of the site, in that it provides an inadequate amount of outdoor amenity space which is closed in and has overbearing and oppressive boundary treatments, and the fact that there is inadequate outlook from any of the habitable rooms from the windows, and a lack of light to the ground floor living space, leads Officers to conclude that the dwelling provides unacceptable living conditions for the occupiers of the property.

The development is therefore considered to be contrary to Local Plan policy BE3 and the Council's adopted guidance on distance separation.

#### Car Parking and Highway Safety

The car parking requirement for the dwelling would be one space. There is unrestricted on street car parking along Lower Villers Street (where the property is accessed) and permit parking along Sherbourne Terrace. Officers have not yet received formal comments from WCC Highways regarding the application, and the Planning Committee will be updated prior to the meeting with these details.

However, under the previous application which was withdrawn, WCC Highways stated that if the existing access in front of the dwelling was closed, and the kerb was reinstated, that they would have no objection to the development, which could be secured by condition. By reinstating the kerb, this increases the on street parking by one space, and therefore there would be no net increase in parking as a result of the change of use. As there have been no alterations to the proposal since the withdrawal of the previous application, Officers understand that WCC Highways comments would remain the same, and that the development would not have a detrimental impact on highway or pedestrian safety.

#### Drainage and Flood Risk

There are no extensions or alterations proposed as part of the application, and therefore no additional details in reference to drainage are required. It is noted that the application site lies outside of Flood Zones 2 and 3.

#### Ecological Impact

No issues.

## Open Space

The Open Space department have commented on the application and note that the additional residents brought about by the development will put pressure on existing open space and a contribution is required to mitigate the impact of this additional use. The Open Space department have therefore requested a contribution of £1,228 towards the improvement of local open spaces. This contribution would be put towards the development objectives of Christchurch Gardens, specifically relating to street furniture improvements. Christchurch Gardens scored only "Average" in a number of aspects in the latest Parks Audit and at the time of responding, there were no Section 106 Agreements assigned to the various projects within this open space.

No open space contribution has been received by the Council, and therefore the development is considered to be contrary to adopted Local Plan policy HS4 and the Council's adopted relevant supplementary planning document.

## Waste

Waste Management have no objection to the change of use. Waste and recycling can be stored within the site boundaries without impacting the street scene.

## Health and Wellbeing

No health or wellbeing benefits are identified.

## Other Matters

Private Sector Housing has commented on the application and stated that the bedroom window needs to meet escape window standards, and mains linked detection should be provided at ground and first floor levels. These matters would be dealt with by Building Control.

## **Conclusion**

The installation of the incongruous rooflights are considered to be harmful to the Conservation Area which is contrary to Local Plan policy HE1 and the Council's adopted guidance on roof alterations to heritage assets. Furthermore, the property is considered to have a lack of adequate outlook and light to habitable rooms serving the property owing to substandard distance separation and reliance on the use of rooflights. This is considered to provide substandard living conditions for the occupiers of the property. The proposal also fails to provide an adequate outside amenity space for the occupiers of the dwelling, which is considered to be constrained, cramped and oppressive. The development is therefore considered to be contrary to Local Plan policy BE3 and the Council's adopted distance separation guidance. Finally, as no open space contribution has been received by the Council, the development is considered to be contrary to Local Plan policy HS4 and the relevant adopted guidance. For these reasons, Officers consider that the application should be refused.

## **REFUSAL REASONS**

- 1 The Council has adopted guidance in relation to alterations to roofslopes in the Conservation Area which specifically states that traditional rooflights, set flush with the roofslope should be used which avoid a considerable upstand. The installed rooflights however are set in an upstand which protrudes well from the existing roofslope. These affect views within the Conservation Area, and therefore their installation is considered to be harmful to the traditional character of the Conservation Area, and could set a dangerous precedent which the Council would seek to avoid.

The development is thereby considered to be contrary to Local Plan policies HE1, HE2 and the adopted relevant guidance on alterations to roofslopes within the Conservation Area.

- 2 Policy BE3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development. Furthermore, the District Council has also adopted Supplementary Planning Guidance on minimum distance separation between properties which aims to prevent any unreasonable effect on the neighbouring properties or future occupiers by reason of loss of privacy, outlook or sunlight, and by creating an unneighbourly and overbearing effect.

The property is considered to have a lack of adequate outlook and light to habitable rooms serving the property owing to substandard distance separation and reliance on the use of rooflights. This is considered to provide substandard living conditions for the occupiers of the property. The proposal also fails to provide adequate outside amenity space for the occupiers of the dwelling, which is considered to be constrained, cramped and oppressive.

The proposal is thereby considered to be unneighbourly and contrary to the aforementioned policy and guidance.

- 3 Policy HS4 of the Warwick District Local Plan 2011 - 2029 states that contributions from residential developments will be sought to provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs. The Council have also adopted a Supplementary Planning Document entitled Open Space together with associated guidance on developer contributions for commuted payments for off-site provision and enhancement of public open space where it is not provided on site.

The Open Space team have requested a contribution of £1,228 towards identified improvements to local open spaces. No unilateral undertaking

has been put forward to secure such a contribution and therefore, in the opinion of the Local Planning Authority, the proposals do not make adequate provision for open space.

The proposals would therefore be contrary to the aforementioned policy and guidance.

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**Planning Committee:** 27 March 2018

**Item Number:** **17**

**Application No:** [W 18 / 0272](#)

**Town/Parish Council:** Kenilworth  
**Case Officer:** Helena Obremski  
01926 456531 Helena.Obremski@warwickdc.gov.uk

**Registration Date:** 02/02/18

**Expiry Date:** 30/03/18

**5 Inchbrook Road, Kenilworth, CV8 2EW**

Application for approval of reserved matters (appearance of the buildings, landscaping of the site, layout, scale of the buildings) following Outline permission W/16/0775 (erection of three dwellings). FOR Able Construction  
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This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received.

**RECOMMENDATION**

Planning Committee are recommended to grant planning permission, subject to the conditions listed in the report.

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the approval of reserved matters in relation to the appearance and scale of the buildings, and the landscaping and layout of the site, following outline permission W/16/0775, which was for the erection of three dwellings.

**THE SITE AND ITS LOCATION**

The application site is located to the north east of Inchbrook Road which is positioned at the end of a small cul-de-sac. The northern limit of the application site lies within Flood Zones 2 and 3, however, no development is proposed within this area. There is an existing two storey detached dwelling on the site which would be demolished as part of the proposal.

**PLANNING HISTORY**

W/05/1172 - application refused and dismissed at appeal for the erection of four detached dwellings, following demolition of No. 7 Inchbrook Road.

W/09/1299 - application approved for the erection of a replacement garage for no.7 in alternative position, and addition of a two storey rear extension to no.7. Creation of new access road and erection of two detached dwellings and two double garages with living accommodation over to rear of 5 and 7 Inchbrook Road.

*Only one of these dwellings has been built to the rear of 7 Inchbrook Road.*

W/15/1008 - application approved for Certificate of Lawfulness for the proposed demolition of attached garage, provision of a hard surface, and erection of a detached outbuilding.

W/16/0696 - application refused for the creation of hard standing to rear of number 5 to enable access to extant building plot to the rear.

W/16/0775 - application approved for outline planning permission for the demolition of number 5 Inchbrook Road and the construction of 3 new dwellings, with access, all other matters reserved.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

## **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** Objection, the proposal does not harmonise with the established character of the street scene; no flood risk assessment has taken place; lack of car turning area for one of the properties; need for protection of verge trees.

**WCC Ecology:** No objection, an ecological and landscaping scheme is expected and should be submitted prior to determination of the application.

**WCC Highways:** Objection, the vehicular access is inadequate and there is no turning area for one of the dwellings.

**WCC Local Lead Flood Authority:** Objection, insufficient information has been submitted to demonstrate how the site will be drained.

**Open Space:** No objection, subject to the provision of £6,736 towards the improvement of local open spaces.

**Public Responses: 9 Objections:** not in keeping with the street scene; cramped, overdevelopment of the site; impact on neighbouring residential amenity; lack of car turning area; concern expressed regarding parking of vehicles on grassy area opposite to the application site; lack of details in reference to flooding and impact of wider development; concern regarding flood and sewage; adverse impact on wildlife; details regarding the trees are inaccurate and trees should be retained; flood plain not drawn accurately on the plans; there should be electrical charging points provided.

## **Assessment**

As this is an application for the approval of reserved matters, it is not possible to reconsider the principle of development. This was considered in the assessment of the outline planning application and was found to be acceptable. Consideration of the current application can only consider issues related to the detailed appearance and scale of the buildings, and the landscaping and layout of the site.

In view of the above, the main issues relevant to the consideration of this application are as follows:

- Impact on the character and appearance of the area
- Impact on the living conditions of nearby dwellings and living conditions for the future occupiers
- Car parking and highway safety
- Flooding
- Ecological impact and trees
- Other Matters

### Impact on the character and appearance of the area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Local Plan policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide 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.

width for the access road in accordance with Highways Officer recommendations. Furthermore, a dedicated turning area has been provided, There has been an objection from the Town Council and members of the public in relation to the design of the proposed development. The Town Council considers that the proposal does not harmonise with the established character of the street scene, and members of the public consider that the development is not in keeping with the street scene, and would be cramped and represent overdevelopment.

Outline permission has already been granted for three dwellings on this site, which has been equally split between the three dwellings, therefore the proposal is not considered to be cramped or represent overdevelopment of the site. The loss of the existing dwelling is not considered to be harmful to the street scene.

Initially, Officers had concerns regarding the design of one of the dwellings, which had mock Tudor panels, would appear out of keeping within the street scene, and the agent removed these design details from dwelling. The dwellings are each two stories, and have gable frontages, which would not appear out of keeping within the mixed street scene.

The dwellings would be positioned lower than the neighbouring two storey dwelling and would be no higher than the existing bungalow to the side of the site owing to the levels of the site. This would lead to the dwellings being positioned appropriately within the context, and would not dominate the street scene. A condition will be imposed for the provision of sample materials to ensure a high quality of design.

The simple nature of the two storey dwellings sit appropriately within this varied street scene. It is considered that the design of the dwellings is acceptable and would not be harmful to the character and appearance of the area. The development is therefore considered to be in accordance with Local Plan policy BE1 and the Residential Design Guide.

#### Impact on the living conditions of nearby dwellings and living conditions for the future occupiers

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility 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 provides a framework for policy DP2, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from the window of the nearest front or rear facing habitable room of a neighbouring property.

#### *Impact on neighbouring amenity*

There has been concern raised by members of the public that the development would have a detrimental impact on the neighbouring properties via a loss of privacy.



69 Highland Road is positioned to the west of the application site. There would be no conflict with the Council's adopted 45 degree guidance as a result of the proposed development from the ground or first floor windows of the property. There is no distance separation required between the side to side elevations of residential properties. The proposed first floor side facing window will be conditioned to be permanently obscure glazed and non-opening unless above 1.7 metres in height to protect privacy. Therefore, it is not considered that the proposed development would have a detrimental impact on neighbouring residential amenity to the occupiers of 69 Highland Road which would warrant a reason for refusal of the application.

7 Inchbrook Road is positioned to the south of the application site and would be separated from the proposed dwellings by the access road. This neighbour has a first floor side facing window and two ground floor side facing windows, however, these would be at least 19 metres from any of the proposed dwellings. There would be a conflict with the Council's adopted 45 degree guidance, however, the conflict would be over 20 metres away from this neighbour's window and it is not considered that the impact would be so great as to warrant a reason for refusal of the application.

1 Highland Road is positioned to the east of the application site. There would be a conflict with the Council's adopted 45 degree guidance, however, this would be over 13 metres from this neighbour's property. The proposed first floor side facing window will be conditioned to be permanently obscure glazed and non-opening unless above 1.7 metres in height to protect privacy. Therefore it is not considered that the impact on this neighbour's amenity would be so great as to warrant a reason for refusal of the application.

#### *Proposed living conditions for the future occupiers*

Each proposed dwelling would have a generous rear amenity space and all of the proposed habitable rooms are considered to have adequate outlook, privacy and light.

Initially, Officers had concerns that some of the habitable rooms provided inadequate outlook as there was a conflict with the Council's adopted 45 degree guidance created between the proposed dwellings. The agent has amended the scheme to overcome the conflicts at the rear of the site. There would be a small conflict with the Council's 45 degree guidance at the front of the properties, however, owing to the open nature of the front of the site, the wide front windows, the fact that there is an additional side facing window which has a very open outlook and the minor nature of the conflict, under these specific circumstances, the conflict is not considered to be so severe which would warrant reason for refusal of the application.

To ensure that there would be no perception of overlooking from the proposed first floor side facing windows between the proposed dwellings, they will be conditioned to be permanently obscure glazed and non-opening unless above 1.7 metres in height.

The development is therefore not considered to have a detrimental impact on neighbouring residential amenity, and provides adequate living conditions for the

future occupiers of the dwellings. The development is therefore considered to be in accordance with Local Plan policy BE3.

#### Car parking and highway safety

Concern has been expressed by members of the public and the Town Council in reference to one of the properties which did not benefit from a turning area, which means that cars would have to reverse along the access road and leave the site in a reverse gear, which could impact highway safety. WCC Highways have also objected on this basis and have concerns regarding the width of the proposed access road.

However, an amended drawing has been provided, which shows the required so that cars could leave the site in a forward gear, addressing WCC Highways concerns. WCC Highways have been consulted regarding the amended drawing and Officers await their response. Planning Committee will be updated with these details prior to the committee meeting.

The development would provide adequate parking for each dwelling in accordance with the Council's adopted Vehicle Parking Standards guidance, and secure cycle storage within the rear garden areas could be accommodated. The development is therefore considered to be in accordance with Local Plan policies TR1 and TR3.

#### Flooding

The application site lies partly within Flood Zones 2 and 3. There have been concerns raised by members of the public and the Town Council that no flood risk assessment has taken place, and about the potential impact of the development on local drainage. It is stated by members of the public that the flood plain is not drawn accurately on the plans.

WCC Local Lead Flood Authority did object to the proposed development, based on a lack of information to demonstrate how the site will be drained. However, the agent has confirmed that Officers at WCC Local Lead Flood Authority would be satisfied to address flood risk and drainage at the point at which the condition requiring these details is discharged from the outlook application. Therefore, if WCC Local Lead Flood Authority confirm this in writing, Officers have no objection to these matters being dealt with under the discharge of condition application.

The Environment Agency have been consulted, but have not responded to the application. However, Officers have checked the position of the flood zones drawn on the map in comparison to the Flood Maps on the Environment Agency website, and they appear to be correct. It should be noted that none of the proposed development would be located within the flood zones.

#### Ecological impact and trees

A member of the public has raised concerns regarding the detrimental impact of the development on local wildlife.

WCC Ecology have commented on the application and note that an ecological and landscaping scheme is expected, and request that it is submitted prior to determination of the application. However, these details have been conditioned as part of the outlook submission and would need to be provided prior to commencement of works on site. WCC Ecology wish to see details of native tree and wild flower planting, and the location and type of bat and bird boxes to be installed. This information is not considered necessary at this stage for the determination of the application and could be submitted at a later stage without harm to protected species.

Members of the public and the Town Council have stated that they wish to see adequate protection of street trees and the grassy area opposite to the application site. Concern is expressed regarding parking of vehicles on this area.

The trees opposite to the application site and the grassy area are Council owned. None of the trees benefit from protected status, however, if vehicles parked on this area, they would be doing so illegally, and this would be a matter for the police. Adequate space within the site boundaries should be available for the storage of materials and vehicles, so it is likely that any vehicles associated with the construction of the development could be accommodated on site. Furthermore, WCC Highways have not requested a construction management plan. No further information in reference to this matter is therefore required.

#### Other Matters

The Open Space department have commented on the application and request a contribution of £6,736 towards the improvement of local open spaces. However, as a condition was not imposed to the outline application for this contribution, it is not possible to require these funds under this reserved matters application.

A member of the public has stated that electrical charging points should be provided as part of the proposal. However, as this was not required under the outline proposal, it is not possible to require these details under this reserved matters application.

#### **Conclusion**

The proposed details in reference to the appearance and scale of the buildings, and the landscaping and layout of the site are considered to be acceptable and would not have a detrimental impact on the street scene. Furthermore, the details would not have a detrimental impact on neighbouring residential amenity, and provide adequate living conditions for the future occupants of the property. The details are not considered to have a detrimental impact on ecology and provide adequate parking and access arrangements. Therefore, the proposal should be approved.

#### **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 5205/03A, 5205/04B, 5205/05A, 5205/07A, 5205/08A, submitted on 2nd March 2018, and drawing 5208/o2B

submitted on 7th March 2018 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 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 3 Prior to the occupation of the development hereby permitted, the first floor side facing windows in the east and west elevations of each plot 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 window(s) shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
- 4 The dwellings shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawing 5205/02B submitted on 7th March 2018 have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

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